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METHODS OF COMMUNIST INFILTRATION IN THE UNITED STATES GOVERNMENT

HEARING

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES

EIGHTY-SECOND CONGRESS

SECOND SESSION

MAY 6; JUNE 10 AND 23, 1952

Printed for the use of the Committee on Un-American Activities

UNITED STATES
GOVERNMENT PRINTING OFFICE
20997 WASHINGTON : 1952

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United States House of Representatives

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METHODS OF COMMUNIST INFILTRATION IN THE UNITED STATES GOVERNMENT

TUESDAY, MAY 6, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON
UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 2:35 p. m., in room 226, Old House Office Building, Hon. Morgan M. Moulder, presiding.

Committee members present: Representatives Morgan M. Moulder, Clyde Doyle, James B. Frazier, Jr. (appearance as noted), and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., assistant counsel; John W. Carrington, clerk, Louis J. Russell, senior investigator; Courtney Owens, investigator; and A. S. Poore, editor.

Mr. MOULDER. The committee will be in order.

The chairman, the Honorable John S. Wood, having designated and authorized the following members: Hon. Clyde Doyle, Hon. James B. Frazier, Hon. Donald L. Jackson, and myself, Morgan M. Moulder as acting chairman, as a subcommittee to continue with the conduct of this hearing, all members of the subcommittee except Mr. Frazier being present at this time, the committee will now be in order and proceed herein.

Who is the first witness, Mr. Counsel?

Mr. TAVENNER. Miss Ruth Rifkin.

Mr. MOULDER. Have you been sworn as a witness previously, Miss Rifkin?

Miss RIFKIN. No; I haven't.

Mr. MOULDER. Will you raise your right hand and be sworn?

Do you solemnly swear that the testimony you are to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss RIFKIN. I do.

TESTIMONY OF RUTH RIFKIN ACCOMPANIED BY HER COUNSEL, DAVID REIN

Mr. MOULDER. Are you represented by counsel?

Miss RIFKIN. I am.

Mr. MOULDER. Will counsel please state his name for the record?

Mr. REIN. David Rein, R-e-i-n, 711 Fourteenth Street NW.

Mr. TAVENNER. Will you state your full name, please, Miss Rifkin?
Miss RIFKIN. Miss Ruth Rifkin.
Mr. TAVENNER. When and where were you born?
Miss RIFKIN. February 1, 1912, Wilkes-Barre, Pa.
Mr. TAVENNER. Will you speak a little louder, please?
Miss RIFKIN. I am sorry.
Mr. TAVENNER. What place in Pennsylvania?
Miss RIFKIN. Wilkes-Barre, Pa.
Mr. TAVENNER. Where do you now reside?
Miss RIFKIN. 1801 Clydesdale Place NW.
Mr. MOULDER. Can you speak louder? We cannot hear you.
Miss RIFKIN. I am sorry, too. 1801 Clydesdale Place NW., here in Washington, D. C.
Mr. TAVENNER. How long have you lived in Washington?
Miss RIFKIN. Since 1943.
Mr. TAVENNER. Will you state for the committee briefly what your educational training has been?
Miss RIFKIN. High school.
Mr. TAVENNER. Where?
Miss RIFKIN. In Wilkes-Barre. Wyoming Seminary in Kingston, Pa.
Mr. TAVENNER. Wyoming Seminary?
Miss RIFKIN. In Kingston, Pa.
Mr. TAVENNER. Would you mind trying to raise your voice?
Miss RIFKIN. I am sorry; it sounds loud to me.
Mr. TAVENNER. The acoustics are not good here.
Miss RIFKIN. Did you hear the last?
Mr. TAVENNER. Yes; Wyoming Seminary.
Miss RIFKIN. Wyoming Seminary in Kingston, Pa. That was an academic course. Business school also there, and then some night courses in New York, Columbia, and NYU, notably.
Mr. TAVENNER. When did you take your work in New York and where?
Miss RIFKIN. Sociology and journalism and history. They were very brief night classes.
Mr. TAVENNER. At what schools?
Miss RIFKIN. Columbia University and NYU.
Mr. TAVENNER. When did you take that work at Columbia and NYU?
Miss RIFKIN. Columbia was probably about 1932 and NYU was probably anywhere from '32 to '39, off and on.
Mr. TAVENNER. Did you first go to New York City in 1932?
Miss RIFKIN. Yes; about 1932.
Mr. TAVENNER. Were you employed at that time?
Miss RIFKIN. I wasn't employed until after I went to New York.
(Representative James B. Frazier, Jr., entered the room at this point.)
Mr. TAVENNER. What was your employment from 1932?
Miss RIFKIN. From '32 to about '35, a miscellaneous number of jobs.
Mr. TAVENNER. Of what type of work?
Miss RIFKIN. Secretary.
Mr. TAVENNER. Then proceed.
Miss RIFKIN. Well, all the work I have done has been secretarial.

Mr. TAVENNER. After 1935, how were you employed?

Miss RIFKIN. In 1935, I worked for a publicity outfit, and from——

Mr. TAVENNER. For how long a period of time?

Miss RIFKIN. About 2½ years.

Mr. TAVENNER. What was the name of the company?

Miss RIFKIN. Planned Publicity Service.

Mr. TAVENNER. If you will, please, give us the record of your employment straight on from that time up to the present time, giving the approximate dates of employment.

Miss RIFKIN. Yes. Well, for about a period of a year I did not have any regular job. I worked for a public stenographer in New York and for a little newspaper.

Mr. TAVENNER. What was the name of the newspaper?

Miss RIFKIN. Employment News.

Mr. TAVENNER. When did you work for Employment News?

Miss RIFKIN. That would be between '37 and '38 for a very short period. Then in '38, I went in the Foreign Policy Association.

Mr. TAVENNER. The Foreign Policy Association?

Miss RIFKIN. Yes.

Mr. TAVENNER. How long did you work there?

Miss RIFKIN. For about 5 years until '43.

Mr. TAVENNER. After 1943, how were you employed?

Miss RIFKIN. In 1943, I came down here and joined the Office of Foreign Relief and Rehabilitation Administration.

Mr. TAVENNER. What was the nature of your employment with the Office of Foreign Relief and Rehabilitation Administration?

Miss RIFKIN. Secretary.

Mr. TAVENNER. For how long did you work in that capacity?

Miss RIFKIN. Well, the Office of Foreign Relief went out of existence, I believe, by the end of '43, at which time UNRRA was established, and I went into UNRRA, again in a secretarial capacity.

Mr. TAVENNER. Who was your immediate superior in FRRA?

Miss RIFKIN. Anne Hartwell Johnstone and Roy Veitch.

Mr. TAVENNER. Veitch?

Miss RIFKIN. Yes.

Mr. TAVENNER. Will you tell the committee the circumstances under which you became first employed with the FRRA?

Miss RIFKIN. I was invited to come down to be Mrs. Johnstone's secretary. She had been at the Foreign Policy Association where I had worked for her, and so forth, and she would like to have me come down.

Mr. TAVENNER. Was she your immediate superior during the entire time you were with FRRA?

Miss RIFKIN. It seems to me that she left at some point. She wasn't well and she left.

I think I just stayed in that department with Mr. Veitch for the entire time, is my recollection of it.

Mr. TAVENNER. When you went over to UNRRA, who was your superior there?

Miss RIFKIN. Well, I worked for a number of people there. Mr. Meyer Cohen was one of my superiors.

Mr. TAVENNER. Will you give the name again, please?

Miss RIFKIN. Meyer Cohen.

Mr. TAVENNER. Will you spell the last name?

Miss RIFKIN. C-o-h-e-n. E. Reeseman Fryer. This was a succession of jobs, you understand. And a Mr. Lismer, L-i-s-m-e-r.

Mr. TAVENNER. When did your employment terminate in UNRRA?

Miss RIFKIN. In 1946, about November.

Mr. TAVENNER. What were the circumstances under which your employment was terminated?

Miss RIFKIN. Well, they were eliminating jobs. My job was eliminated.

Mr. TAVENNER. When you first became employed with FRRA, what was your civil-service rating?

Miss RIFKIN. You mean in terms of CAF?

Mr. TAVENNER. Yes.

Miss RIFKIN. I think it was a 4. It seemed to me the salary was $1,800 and overtime, something like that.

Mr. TAVENNER. What was it when your office or your position was abolished in 1946?

Miss RIFKIN. That was no longer a civil service rating, but I think it was the equivalent of what—I don't know what it was equivalent to. The money value was $3,600, but it was an upgrade.

Mr. TAVENNER. That was the over-all pay that you received, $3,600 at that time?

Miss RIFKIN. Something in that neighborhood.

Mr. TAVENNER. How many increases in pay were you given? Do you recall?

Miss RIFKIN. I think there were two or three grade promotions involved during the period.

Mr. TAVENNER. Miss Rifkin, how are you now employed?

Miss RIFKIN. I am self-employed.

Mr. TAVENNER. In what type of work?

Miss RIFKIN. Public stenographer.

Mr. TAVENNER. For how long a period have you been employed in that work?

Miss RIFKIN. I went into business in 1948.

Mr. TAVENNER. How were you employed between 1946 and 1948?

Miss RIFKIN. I was out of a job for about 2½ months or so, December and January, and then I went to the National Lawyers' Guild and was there from 1948 on a part-time capacity toward the end of some time in 1949, when I stopped.

Mr. TAVENNER. Who was responsible for your employment by the National Lawyers' Guild?

Miss RIFKIN. I was employed by Martin Popper.

Did you hear me?

Mr. TAVENNER. Yes. What position did he hold at that time?

Miss RIFKIN. He was the executive secretary.

Mr. TAVENNER. Miss Rifkin, information has come to the attention of the committee through its investigation and also through the testimony of witnesses that you are in a position to be of assistance to this committee by giving it the benefit of information which we think is in your possession regarding the activities of the Communist Party of the District of Columbia while you were employed here between 1943 or 1944 and 1946. We hope you will cooperate with the committee in giving them the benefit of any information that you may have for use in its study and investigation of communism in this area.

First, I would like to ask you if you were acquainted with Grace Granich.

Miss RIFKIN. Now I don't hear you.

Mr. TAVENNER. A person by the name of Grace Granich.

Miss RIFKIN. The name means nothing to me.

Mr. MOULDER. That is not exactly responsive to the question, it means nothing to you. He asked you if your were acquainted with her.

Miss RIFKIN. I am sorry, I meant to say I did not know the name before.

Mr. TAVENNER. You have never heard the name, to your recollection?

Miss RIFKIN. To my recollection, I have not heard the name.

Mr. TAVENNER. The spelling is G-r-a-n-i-c-h.

Miss RIFKIN. No.

Mr. TAVENNER. Were you acquainted with Helen Tenney?

Miss RIFKIN. I decline to answer that question on the basis of the fifth amendment.

Mr. TAVENNER. Now, with regard to Grace Granich, possibly, if I read you an excerpt from the testimony of Elizabeth Bentley, it may refresh your recollection with regard to her.

Miss Elizabeth Bentley described in her testimony her own affiliation with the Russian Intelligence Service through Mr. Jacob Golos. Were you acquainted with Jacob Golos?

Miss RIFKIN. No, sir.

Mr. TAVENNER. Are you acquainted with Elizabeth Bentley?

Miss RIFKIN. I decline to answer that question on the basis of the fifth amendment.

Mr. TAVENNER. This question was asked Miss Bentley:

In the performance of your work in the apparatus conducted by Mr. Jacob Golos, did you have occasion to meet a person by the name of Helen Tenney?

Miss BENTLEY. Yes, I did.

The next question:

Will you state just what Helen Tenney's connection was with the underground apparatus conducted by Mr. Golos?

Miss BENTLEY. Helen Tenney was an agent who was planted in the OSS in order to give information to Soviet Intelligence.

Miss Bentley also testified that Helen Tenney was in contact with Grace Granich, who was then head of Intercontinent News, and Grace Granich who was working with Mr. Golos came to him and told him that she would be useful for the underground. So she was told to sever her connections with the open party and report only to him.

Then she was told to go to Washington and get a job with the OSS, which she did.

In other words, Miss Bentley has testified to the effect that Grace Granich was at least in part responsible for bringing Miss Tenney into the underground apparatus of the Communist Party.

Do you have any knowledge now, since I have read you that testimony, or any recollection, I should say, of Grace Granich?

Miss RIFKIN. No, sir.

Mr. TAVENNER. The committee also has information to the effect that you were possibly a schoolmate of Helen Tenney's; is that correct?

Miss RIFKIN. I decline to answer that on the basis of the fifth amendment.

Mr. TAVENNER. Have you ever used the name Isabelle Hayes?

Miss RIFKIN. No, sir.

Mr. TAVENNER. What is that?

Miss RIFKIN. No, sir.

Mr. TAVENNER. Have you ever associated with Elizabeth Bentley under any name other than your own?

Miss RIFKIN. I don't quite understand your question.

Mr. TAVENNER. Have you ever used any name other than your own name in association with Elizabeth Bentley?

Miss RIFKIN. I decline to answer that, sir, on the basis of the fifth amendment.

Mr. TAVENNER. Have you used any name other than your own in Washington?

Miss RIFKIN. Not in Washington. There was a short time when I was on the Employment News newspaper, which I mentioned to you, I was doing a little shopping column. Can you hear me?

Mr. TAVENNER. Yes.

Miss RIFKIN. A shopping column.

Mr. TAVENNER. And what name did you use?

Miss RIFKIN. And I used the name of Reid, as I recall it.

Mr. TAVENNER. What first name did you use?

Miss RIFKIN. Ruth.

Mr. MOULDER. You used that as a writer's name?

Miss RIFKIN. As a writer's name.

Mr. TAVENNER. But you have not used any other name in the District of Columbia, in Washington?

Miss RIFKIN. No.

Mr. TAVENNER. When Miss Bentley appeared before the committee, she stated in answer to a question regarding the nature of nformation allegedly turned over to her by you as follows:

> It consisted of reports and information that she gained from her employment at FRRA or UNRRA. A lot of it, roughly, was office gossip, or anything she read in letters, and so forth, that passed through her hands.
>
> I remember that Atlantic City thing distinctly because she came back and she had a stack this high [indicating] of reports and things that had come out of that conference. Helen had her hold them for quite a while until she decided whether we could use them. Word came back before Christmas in 1944 or in November probably that we already had that stuff and she disposed of it.

Do you recall having attended a conference in Atlantic City in 1944?

Miss RIFKIN. Yes; I want to the first council session.

Mr. TAVENNER. Did you select material or information which you obtained there and discuss it with Helen Tenney?

Miss RIFKIN. I decline to answer that question, sir, on the basis of the fifth amendment.

Mr. TAVENNER. Did you obtain information there for delivery to Helen Tenney or Elizabeth Bentley?

Miss RIFKIN. I decline to answer that question, sir, on the basis previously stated.

Mr. TAVENNER. Have you at any time, in Washington or at any other place, given information relative to your position to Helen Tenney or Elizabeth Bentley or deliver to either of them reports or documents which had come to your attention in connection with the performance of your official duties?

Miss RIFKIN. I decline to answer, sir, on the previous basis of the fifth amendment.

Mr. TAVENNER. Did Helen Tenney at any time recommend you for a position in Government in Washington?

Miss RIFKIN. I decline to answer that, sir.

Mr. TAVENNER. Did you ever endeavor to transfer from the Government agency in which you were employed to any other Government agency?

Miss RIFKIN. Well, toward the end when I knew that the job was going to be terminated, I sought employment elsewhere, not in Government agencies, as I recall. I was interested more in the United Nations, being so similar to the kind of thing that I do in UNRRA.

Mr. TAVENNER. Did you make application for employment with the United Nations?

Miss RIFKIN. I believe I did.

Mr. TAVENNER. With whom?

Miss RIFKIN. Well, it just went through regular personnel channels. I don't remember anybody in particular.

Mr. TAVENNER. Did you confer with anyone with regard to your possible employment by the United Nations?

Miss RIFKIN. Well, the personnel bureau of UNRRA sought to help the people who were being terminated with finding employment elsewhere. It was that kind of channel that I used.

Mr. TAVENNER. Well, who was it?

Miss RIFKIN. I don't remember who was the head of personnel toward the end. It was a routine matter.

Mr. TAVENNER. Are you acquainted with a person by the name of Maurice Halperin?

Miss RIFKIN. I don't remember any such person.

Mr. TAVENNER. Miss Bentley, in the course of her testimony, said that Mr. Halperin was head of the Reserach and Analyst Division of the Latin American Branch of the OSS, and that he was being used by the Communist Party, in part, for placing other people in the Government service. Do you have any knowledge of any effort made by him to place you in any Government agency?

Miss RIFKIN. I do not know anyone by that name.

Mr. TAVENNER. Do you recall whether or not at any time time it was suggested to you that you consult him?

Miss RIFKIN. Well, the name doesn't, it is just no one that I know.

Mr. TAVENNER. Did you consult anyone in the OSS with regard to Government employment?

Miss RIFKIN. No, sir.

Mr. TAVENNER. Were you a member of the Communist Party in New York City prior to your coming to Washington?

Miss RIFKIN. I decline to answer that question, sir, on the basis of the fifth amendment.

Mr. TAVENNER. Are you acquainted with Mary Stalcup?

Miss RIFKIN. I decline to answer that question on the basis of the fifth amendment.

Mr. TAVENNER. Who is also known as Mary Stalcup Markward?

Mr. JACKSON. Will counsel identify Mary Stalcup Markward more fully?

Mr. TAVENNER. Mary Stalcup Markward appeared as a witness before this committee and gave the committee the benefit of the

knowledge that she had regarding Communist Party activities in the District of Columbia. She had entered the Communist Party 8 or 9 years ago at the behest of the Federal Bureau of Investigation and rose in rank to the position of treasurer of the city organization.

Miss Rifkin, Mrs. Mary Stalcup Markward testified before this committee regarding you, and in her testimony she said that she received a transfer card from New York transferring your membership from that city to Washington, D. C., and that she met you on one occasion to advise you that she could not take you on her party rolls but that you would probably be contacted by someone from an underground group. Subsequently, Miss Markward, according to her testimony, was called by you and you advised her that you had been contacted by the Communist underground here in Washington.

Is that testimony true or is it false?

Miss RIFKIN. I decline to answer, sir, on the basis of the fifth amendment.

Mr. TAVENNER. Were you contacted by the underground in Washington?

Miss RIFKIN. I decline to answer that, sir, on the previously stated grounds.

Mr. TAVENNER. That is, by the Communist underground?

Miss RIFKIN. I decline to answer that, sir, as previously stated.

Mr. TAVENNER. Mrs. Markward also testified that the last time she contacted you she advised you that she had no connection with the underground group of the Communist Party in Washington, D. C., and requested you not to call her about it.

Did such an occurrence take place?

Miss RIFKIN. I decline to answer, sir, as previously stated, on the basis of the fifth amendment.

Mr. TAVENNER. Did you meet with Mary Stalcup Markward at Union Station in Washington?

Miss RIFKIN. I decline to answer that question, sir, on the previously stated basis of the fifth amendment.

Mr. TAVENNER. Were you contacted by Elizabeth Searle, S–e–a–r–l–e?

Miss RIFKIN. I decline to answer that, sir, on the ground previously stated.

Mr. TAVENNER. Were you acquainted with Elizabeth Searle?

Miss RIFKIN. I decline to answer that, sir; as previously stated, on the fifth amendment.

Mr. TAVENNER. Are you now a member of the Communist Party?

Miss RIFKIN. I decline to answer that, sir, on the basis of the fifth amendment.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Miss RIFKIN. I decline to answer that on the basis of the fifth amendment.

Mr. TAVENNER. I intended to ask you where you resided while you lived in Washington.

Miss RIFKIN. 3665 Thirty-eighth Street NW., and then I believe I have given you my present address.

Mr. TAVENNER. And will you give us that again, please?

Miss RIFKIN. What? The present one?

Mr. TAVENNER. Yes.

Miss RIFKIN. 1801 Clydesdale Place NW.

Mr. TAVENNER. Is the address which you gave on Thirty-eighth Street the same as McLean Gardens?

Miss RIFKIN. Yes; it is one of the buildings up there.

Mr. TAVENNER. That is one of the buildings in that development?

Miss RIFKIN. In the dormitories.

Mr. TAVENNER. Did Elizabeth Bentley ever call at your home at McLean Gardens?

Miss RIFKIN. I decline to answer that, sir, on the basis of the protection under the fifth amendment.

Mr. TAVENNER. You stated that you recall applying for a position with the United Nations after the termination of your position with UNRRA.

Have you since 1946 applied for any other position with the United States Government?

Miss RIFKIN. I don't believe so. I am fairly certain.

Mr. TAVENNER. Could you not be positive about that as to whether you did or did not?

Miss RIFKIN. I am trying to recollect, and to the best of my recollection, I don't believe that I applied to it.

Mr. TAVENNER. Does that mean that you are in doubt as to whether or not you did so apply?

Miss RIFKIN. Well, I don't feel like making an unequivocal statement, because I was hunting for a job, but I don't remember any specific place where I applied.

Mr. TAVENNER. Did you make a written application for a position with United Nations?

Miss RIFKIN. Well, I don't remember in what form it was. I may have. I know I expressed a desire to go there when my job was being terminated.

Mr. TAVENNER. Were you asked to give any information with regard to whether or not you were a member of the Communist Party, or did you sign any statement with regard to alleged membership in the Communist Party?

Miss RIFKIN. I don't remember any statement to that effect.

Mr. TAVENNER. When you became employed by UNRRA, did you sign any such statement?

Miss RIFKIN. I have no recollection of having signed such a statement.

Mr. TAVENNER. When you became employed first in 1944 by the Office of Foreign Relief and Rehabilitation Administration, did you sign any statement with reference to Communist Party membership?

Miss RIFKIN. I have no recollection of having so done.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. MOULDER. Mr. Doyle?

Mr. DOYLE. Do you remember who the officers of the National Lawyers' Guild were?

Miss RIFKIN. I am sorry.

Mr. DOYLE. Do you remember who the officers of the National Lawyers' Guild were, as far as being president or secretary is concerned, when you worked for them?

Miss RIFKIN. I believe that Robert W. Kenny was the president, and I have forgotten now who the vice president may have been.

Mr. DOYLE. I think you said you worked in a secretarial capacity?

Miss RIFKIN. That is true.

Mr. DOYLE. And in that capacity who was your immediate superior, if there was any, in giving you the secretarial work to do?

Miss RIFKIN. Mr. Popper.

Mr. DOYLE. Who?

Miss RIFKIN. Mr. Popper.

Mr. DOYLE. What was his work?

Miss RIFKIN. He was the executive secretary.

Mr. DOYLE. Did you take dictation from anyone other than him?

Miss RIFKIN. No.

Mr. DOYLE. What was his position? Was he a paid executive?

Miss RIFKIN. Yes.

Mr. DOYLE. A full-time executive?

Miss RIFKIN. I guess it was full time, I don't know.

Mr. DOYLE. Was he there every day working during every working hour ordinarily?

Miss RIFKIN. Yes.

Mr. DOYLE. Or was it a part-time job?

Miss RIFKIN. Well, I don't know what his exact status was, Mr. Doyle.

Mr. DOYLE. I mean, just in a general way. Did it appear that he was giving full time to that employment, or did he have some other profession or business?

Miss RIFKIN. Well, I think he has his own law practice in addition to that.

Mr. DOYLE. I see. Did you attend a school with a young lady named Helen Tenney some place?

Miss RIFKIN. I am sorry, sir, I decline to answer that question on the basis of the fifth amendment.

Mr. DOYLE. Do you remember the names of anyone other than Helen Tenney that you attended school with at that particular time? Are there any other classmates that you recall the names of?

Miss RIFKIN. When I attended school where?

Mr. DOYLE. I am asking you. I don't know where it was that you and Helen Tenney attended together, if you did.

Miss RIFKIN. I am sorry, sir, I decline to answer that question. In fact, I don't quite understand it.

Mr. DOYLE. You do not quite understand my question?

Miss RIFKIN. No.

Mr. DOYLE. What school was it that you attended that you are now claiming the privilege under the Constitution about? What school was that?

Miss RIFKIN. I have no knowledge—I have told you the schools where I attended.

Mr. DOYLE. All of the schools?

Miss RIFKIN. Yes.

Mr. DOYLE. Did you ever attend classes of the Communist Party?

Miss RIFKIN. I decline to answer that, sir, on the basis of the fifth amendment, under the protection of the fifth amendment.

Mr. Doyle. A minute ago you had given us the names of all the schools you attended. I am asking you if you attended a school of the Communist Party.

Miss Rifkin. And I decline to answer that on the basis of the fifth amendment.

Mr. Doyle. You did not include that name when you gave a list of the schools, as I recall it.

(Miss Rifkin confers with her counsel.)

Mr. Doyle. Do you understand my question?

In other words, I understood you when you were asked by counsel what schools or classes you attended that you did not name any class taught or any school taught by the Communist Party.

Miss Rifkin. And again, sir, I decline to answer on the basis of the fifth amendment, the protection of the fifth amendment.

Mr. Doyle. I see. But I am correct, am I not, that when you answered the question before, you did not list any class taught by the Communist Party? If you did, I didn't hear it.

Miss Rifkin. I decline to answer that——

(Miss Rifkin confers with her counsel.)

Miss Rifkin. That is correct, sir.

Mr. Doyle. That is correct. Did you ever attend any meetings, small or large, which you knew to be meetings in charge, directly or indirectly, of the Communist Party?

Miss Rifkin. I decline to answer that, sir, on the basis of my privilege under the fifth amendment.

Mr. Doyle. Did you ever teach any lessons yourself or give any instruction in Communist Party procedure?

Miss Rifkin. I decline to——

Mr. Doyle. Do you understand my question?

Miss Rifkin. Do you want to repeat it, sir?

Mr. Doyle. Do you, yourself, ever act as an instructor in classes of the Communist Party?

Miss Rifkin. I decline to answer that, sir, on the basis of the fifth amendment.

Mr. Doyle. Did you ever travel in a foreign country?

Miss Rifkin. Did I what?

Mr. Doyle. Did you ever travel in a foreign country?

Miss Rifkin. I went to England once for about 2 or 3 weeks.

Mr. Doyle. Did you ever write any article other than for this employment magazine, I think, that you mentioned?

Miss Rifkin. No; that was pretty much my sole writing career.

Mr. Doyle. That ended your writing career?

Miss Rifkin. Yes.

Mr. Doyle. What was your work in the secretarial capacity in UNRRA? What sort of work did you do?

Miss Rifkin. Well, it was answering the telephone, making appointments, taking dictation, and typing.

Mr. Doyle. When you were in New York, did you ever go to the national headquarters of the Communist Party of America?

Miss Rifkin. I am sorry; you will have to repeat that.

Mr. Doyle. When you were in New York, did you ever attend any meetings or groups at the Communist headquarters in New York?

Miss Rifkin. I decline to answer that, sir, on the basis of the ifth amendment.

Mr. Doyle. Have you read the law under which this committee is assigned by the United States Congress as the committee of investigation and report to look into the matter of subversive activities in the United States? Have you ever read that law or anything about it?

Miss Rifkin. No, sir; I don't believe I have.

Mr. Doyle. Do you know what the function of this committee is with whom you are meeting now? Would you tell me what your idea is of the work of this committee and what our duties are under the written law by Congress?

Miss Rifkin. I haven't read the law, and I can't say that I can quickly get together an impression.

Mr. Doyle. You what?

Miss Rifkin. I say I haven't read the law, and I can't quite quickly get together an impression to give you.

Mr. Doyle. You have no impression, then, of what the work of this committee is? Do I understand that is your answer?

Miss Rifkin. Well, just a very vague kind of——

Mr. Doyle. A very vague kind of an idea.

I do not want to undertake to go into the field of whatever your legal counsel has advised you, because I am a lawyer, too, and I know that is a sacred area. We lawyers are very jealous, naturally, of divulging legal advice, and I think that is proper.

But have you ever read in the People's World anything about the work of this committee?

Miss Rifkin. No.

Mr. Doyle. Have you ever read any articles about the work of this committee in the Daily Worker?

Miss Rifkin. No.

Mr. Doyle. Or any place else?

Miss Rifkin. The daily press.

Mr. Doyle. The daily press. Is that all?

Miss Rifkin. Pretty much all.

Mr. Doyle. Do I understand that is your answer, just in the daily press?

Miss Rifkin. Well, just the daily press.

Mr. Doyle. What daily press?

Miss Rifkin. Well, I read the Post.

Mr. Doyle. The Post?

Miss Rifkin. And the Star and the Tribune.

Mr. Doyle. In your studies in connection with the Foreign Policy Association, did you read any pamphlets on foreign affairs?

Miss Rifkin. Well, we——

Mr. Doyle. I beg your pardon?

Miss Rifkin. I read their publications.

Mr. Doyle. What publications?

Miss Rifkin. Well, they put out headline books which are popular studies, you know, of various kinds of things.

Mr. Doyle. What books?

Miss Rifkin. And they put out foreign policy reports, and I think they had a weekly summary of things.

Mr. Doyle. Complimentary to you, I can see that you are quite a student of foreign affairs.

Miss Rifkin. I decline to accept that compliment, sir, because I am not a student of foreign affairs.

Mr. DOYLE. Of course you worked with that association from 1938 to 1943, so I presume during those 5 or 6 years you read a good many articles about foreign affiairs.

Now, during that period of time, did you not read any of the pamphlets or articles about the Communist Party or under their direction about foreign affairs?

Miss RIFKIN. I decline to answer that, sir, on the basis of the fifth amendment.

Mr. DOYLE. I see. I think that is all.

Mr. MOULDER. Mr. Tavenner has another question.

Mr. TAVENNER. What was the date during which you were employed by the National Lawyers' Guild?

Miss RIFKIN. I went there in 1947.

Mr. TAVENNER. And you remained there for how long?

Miss RIFKIN. I went into business in 1948. I was still on a part time basis with them up until some time in 1949, I believe.

Mr. TAVENNER. Are you acquainted with Mr. Robert J. Silberstein?

Miss RIFKIN. Yes, sir.

Mr. TAVENNER. Who was the executive secretary of the National Lawyers' Guild?

Miss RIFKIN. Yes, sir.

Mr. TAVENNER. He testified before the committee that you remained with the organization on a part-time basis to 1950. Was he in error about the date?

Miss RIFKIN. I would say so. I am talking about on a salary basis.

Mr. TAVENNER. Did you perform services there for which you made no charge?

Miss RIFKIN. No. When I talk about the difference between salary and what he may be referring to, although I don't know what he was referring to, thereafter there were spot jobs on which they wanted assistance and they were paid for.

Mr. TAVENNER. Do you recall your work in connection with the National Committee to Defeat the Mundt Bill which was conducted in the offices of the National Lawyers' Guild?

Miss RIFKIN. What do you mean, "do I recall it?" Just what do you mean?

Mr. TAVENNER. I say, do you recall having worked in connection with the——

Miss RIFKIN. I did some typing.

Mr. TAVENNER. Work on that committee?

Miss RIFKIN. I did some typing.

Mr. TAVENNER. What type of work did you do?

Miss RIFKIN. Just typing of stencils, reports.

Mr. TAVENNER. Stencils in order to get out material for circulation?

Miss RIFKIN. As I recall it, probably that is what it was.

Mr. TAVENNER. Were those stencils that you cut, cut from material furnished by the National Committee to Defeat the Mundt Bill?

Miss RIFKIN. I presume it was.

Mr. TAVENNER. You were then being paid by the National Lawyers' Guild?

Miss RIFKIN. No, I think I was in business at that time.

Mr. TAVENNER. Who paid you?

Miss RIFKIN. The committee, as I recall it.

Mr. TAVENNER. Who on the committee paid you?

Miss RIFKIN. I don't know. They simply had committee funds.

Mr. TAVENNER. Were you paid by check?

Miss RIFKIN. I probably was.

Mr. TAVENNER. Are you certain the check was from the National Committee to Defeat the Mundt Bill or could it have been a check given you by the National Lawyers' Guild?

Miss RIFKIN. At this point, I would not know.

Mr. TAVENNER. You performed the work in the office of the National Lawyers' Guild?

Miss RIFKIN. No.

Mr. TAVENNER. Where did you perform it?

Miss RIFKIN. I had my own office.

Mr. TAVENNER. Did you perform any work in the office of the National Lawyers' Guild relating to the National Committee to Defeat the Mundt Bill?

Miss RIFKIN. No; it seems to me I had my own office at that time, by that time.

Mr. TAVENNER. Were you under the employment at that time of the National Lawyers' Guild on a salary basis either on part-time or full-time?

Miss RIFKIN. I don't remember what the exact date of the work for the committee was, but I am fairly certain that I went off the pay roll of the guild some time in 1949.

(Representative James B. Frazier, Jr., left the room at this point.)

Mr. TAVENNER. Well, if you went off the pay roll some time in 1949, any work that you did prior to that time would have been done at the behest of the National Lawyers' Guild, would it not?

Miss RIFKIN. It was only part-time work, I am sure.

Mr. TAVENNER. I thought you were on a salary basis, which meant full-time employment in 1949.

Miss RIFKIN. It wouldn't be full time. It can be a part-time job from week to week for which you get a part-time salary which leaves you other time to carry on independent business.

Mr. TAVENNER. Mr. Silberstein was asked this question:

> Did you know her—

referring to you, Ruth Rifkin—

> to be a member of the Communist Party?

To which he replied:

> I decline to answer that question for the reasons previously stated.

which were the fifth amendment.

Can you give any reason for his making that type of answer when asked that question regarding you?

Miss RIFKIN. I cannot answer for him, I don't know.

Mr. TAVENNER. Do you know Mr. Silberstein to have been at any time a member of the Communist Party?

Miss RIFKIN. I do not, sir.

Mr. JACKSON. What was the answer?

Mr. TAVENNER. She said she did not know.

Mr. JACKSON. Did you ever attend any closed meeting of the Communist Party or have you ever attended a meeting of any kind with Mr. Silberstein?

Miss RIFKIN. I am sorry, sir, I cannot hear you.

I say, I am sorry, I cannot hear you.

Mr. JACKSON. Have you ever attended a meeting of any kind with Mr. Silberstein?

Miss RIFKIN. A meeting of any kind?

Mr. JACKSON. Well, let me rephrase the question: Have you ever attended a Communist Party meeting with Mr. Silberstein?

Miss RIFKIN. I decline to answer that question, sir, on the basis of the fifth amendment.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. Miss Rifkin, relating back to your employment on the Employment News from 1937 to 1938——

Miss RIFKIN. May I interrupt just a moment?

Mr. JACKSON. Yes.

Miss RIFKIN. I did not wish to imply that I worked all through that period at that newspaper. It was one of the places that I did some work, and it was for a very short period.

Mr. JACKSON. But you were employed there from time to time?

Miss RIFKIN. For a few weeks, as I recall.

Mr. JACKSON. In either 1937 or 1938?

Miss RIFKIN. I think it was probably somewhere in 1937.

Mr. JACKSON. What was the nature of your duties with the Employment News?

Miss RIFKIN. I wrote a little column, as I told you, and then I did general office work for them.

Mr. JACKSON. What was the purpose, or what was the function of the Employment News? That is to say, in what category of journalism did it fall?

Miss RIFKIN. Well, it was a weekly sheet, and their purpose was to advertise jobs that were available. I don't remember whether they carried advertising or not. I think they were solely dependent on selling the newspaper to people.

Mr. JACKSON. Where was the Employment News published? Where were the offices of the Employment News?

Miss RIFKIN. In New York City.

Mr. JACKSON. Where?

Miss RIFKIN. In New York City.

Mr. JACKSON. Do you recall the more specific address of the Employment News?

Miss RIFKIN. No; I don't.

Mr. JACKSON. In what section of the city or on what street?

Miss RIFKIN. Probably in the forties.

Mr. JACKSON. In the forties?

Miss RIFKIN. I think so.

Mr. JACKSON. Is the publication still published, or do you know?

Miss RIFKIN. It went out of existence a long time ago.

Mr. JACKSON. Who was the owner of the Employment News?

Miss RIFKIN. I don't remember, sir.

Mr. JACKSON. Who was the publisher or the editor?

Miss RIFKIN. I don't remember, I am sorry.

Mr. JACKSON. How did you submit your copy to the Employment News?

Miss RIFKIN. I worked in their office.

Mr. JACKSON. You worked in their office?
Miss RIFKIN. Yes.
Mr. JACKSON. How were you paid?
Miss RIFKIN. Are you referring to check or cash? Is that it?
Mr. JACKSON. Generally, yes.
Miss RIFKIN. I don't remember.
Mr. JACKSON. Is it my understanding, Miss Rifkin, that you worked over a period of some weeks on the Employment News and did a column, but you are unable to say who the owner or the publisher or the editor of that publication was?
Miss RIFKIN. Unfortunately, that is the situation, because I don't remember their names.
Mr. JACKSON. During the period of time you were with the Foreign Policy Association, were you employed in any other capacity or did you have any other source of income except that which you received as a secretary?
Miss RIFKIN. That was my only source of income.
Mr. JACKSON. You were a secretary, and my understanding is that you were secretary to Mrs. Johnstone?
Miss RIFKIN. She was one of the people.
Mr. JACKSON. She was one of the people for whom you worked?
Miss RIFKIN. That is right.
Mr. JACKSON. And the person with whom you later came to OFRRA?
Miss RIFKIN. That is right.
Mr. JACKSON. During the period of time you were with OFRRA, did you receive at any time any additional or outside compensation other than that which was paid to you in your capacity as a secretary by the Government?
Miss RIFKIN. No.
Mr. JACKSON. During the period of time that you were with UNRRA, did you have any outside sources of income or did you at any time receive any additional compensation or outside compensation for any service rendered to any person?
Miss RIFKIN. No, sir.
Mr. JACKSON. Upon leaving UNRRA, did you seek a reference or references from any individual or individuals in your attempt to obtain employment with the United Nations?
Miss RIFKIN. Well, I had letters of reference from people for whom I had done work in UNRRA.
Mr. JACKSON. Who recommended you to the United Nations from UNRRA?
Miss RIFKIN. Are you finished?
Mr. JACKSON. Yes.
Miss RIFKIN. I am sorry. As I explained to you, sir, it went through the personnel office channels, as I recall.
Mr. JACKSON. Yes, I understand that, Miss Rifkin, but I am talking now specifically about recommendations from UNRRA to assist you in obtaining a position in the United Nations. Specifically who recommended you in your search for this new employment?
Miss RIFKIN. I don't have any particular recollection at this point of having done anything beyond asking the people for whom I had worked.
Mr. JACKSON. Did you obtain those recommendations?

Miss RIFKIN. Well, I have letters of reference and recommendations from people for whom I had worked.

Mr. JACKSON. For whom you worked in UNRRA. That is the point. May I ask who recommended you? Who gave you those letters of recommendation to the United Nations?

Miss RIFKIN. Well, these were general references, Mr. Jackson. Wherever I sought employment, they testified to the fact that I had done a satisfactory job.

Mr. JACKSON. You had no specific letter of recommendation from any of your superiors or coworkers in OFRRA to the United Nations recommending you for employment in the United Nations?

Miss RIFKIN. Let me see. Well, I am trying to recall. At this point, I am afraid I cannot recall if I solicited anything further than that.

Mr. JACKSON. Do I understand, then, that you have no recollection of any personal letter of recommendation which was given on your behalf to the United Nations furthering your desire to obtain employment?

Miss RIFKIN. Let me see. Well, I may have—Dewey Anderson may have, probably. Dewey Anderson wrote a letter for me to somebody he knew in Personnel. I am trying to think.

Mr. JACKSON. Do you have knowledge of such a letter, or do you not have such a letter of recommendation?

Miss RIFKIN. It is a little hazy at this point.

Mr. MOULDER. That is hardly responsive.

Miss RIFKIN. I don't mean to be irresponsive.

Mr. JACKSON. With whom did you discuss in UNRRA in personal discussion your desire to obtain employment with the United Nations? Did you discuss it with Mr. Anderson, for instance?

Miss RIFKIN. I may have. He was not there then.

Mr. JACKSON. Did you ask any of your seniors or any of your superiors in OFRRA toward helping you to obtain employment in the United Nations?

Miss RIFKIN. I wish that my memory served me better on this in order to be responsive completely about this, but that is about it.

Mr. JACKSON. Did you know Harold Ware?

Miss RIFKIN. No, sir.

Mr. JACKSON. Did you know Victor Perlo?

Miss RIFKIN. No.

Mr. JACKSON. Did you know William Remington?

Miss RIFKIN. No, sir.

Mr. JACKSON. Did you know Alger Hiss?

Miss RIFKIN. No, sir.

Mr. JACKSON. Did you at any time attend a Communist Party meeting with any of the individuals I have questioned you about?

Miss RIFKIN. I decline to answer that, sir, on the basis of the fifth amendment.

Mr. JACKSON. Did you ever attend any meeting, Communist or otherwise, with any of the four individuals I have questioned you about?

(Miss Rifkin confers with her counsel.)

Miss RIFKIN. Mr. Jackson, will you repeat your question?

Mr. JACKSON. Yes. Have you ever attended any meeting, Communist or otherwise, with Victor Perlo, Harold Ware, William Remington, or Alger Hiss?

Miss RIFKIN. No, sir.

Mr. JACKSON. I believe in answer to a question by Mr. Doyle that you said you had traveled in England.

Miss RIFKIN. That is right, sir.

Mr. JACKSON. When was that travel?

Mr. RIFKIN. In 1936.

Mr. JACKSON. You were in possession of a valid passport.

Miss RIFKIN. Yes, sir.

Mr. JACKSON. When was the passport issued? Do you recall? Do you recall what part of the year? When was the travel done?

Miss RIFKIN. Spring, I believe.

Mr. JACKSON. What was the purpose of your visit?

Miss RIFKIN. Vacation.

Mr. JACKSON. You went only to England?

Mr. RIFKIN. That is true.

Mr. JACKSON. As a condition of employment, or as a condition of obtaining a passport, would you sign a required non-Communist affidavit?

Miss RIFKIN. Will you——

Mr. JACKSON. As a condition of employment today, or as a——

Miss RIFKIN. As a condition.

Mr. JACKSON. As a condition of employment or as a condition of obtaining a passport, would you sign the required non-Communist affidavit?

(Miss Rifkin confers with her counsel.)

Miss RIFKIN. Well, I am not attempting to travel, Mr. Jackson, nor am I seeking employment, and I don't know what I would do under the circumstances.

Mr. JACKSON. You do not know whether you would.

Could you sign a non-Communist affidavit today?

(Miss Rifkin confers with her counsel.)

Miss RIFKIN. I am declining to answer that, sir, on the basis of the fifth amendment.

Mr. JACKSON. I have no further questions.

Mr. MOULDER. Mr. Doyle, do you have any other questions?

Mr. DOYLE. If you will remember, I asked you if you had any idea what the functions of this committee are that you are meeting with today. I think you said you had kind of a vague idea.

For how long did you work for the National Lawyers' Guild as a secretary?

(Representative Donald L. Jackson left the room at this point.)

Miss RIFKIN. From 1947 until a part of 1949.

Mr. DOYLE. In other words, about 2 years?

Miss RIFKIN. Yes, about.

Mr. DOYLE. During that time, it is a fact, is it not, that the National Lawyers' Guild, the very office in which you worked, was putting out publicity, including letters and mimeographed material, against the functioning of this committee?

Miss RIFKIN. Yes, sir.

Mr. DOYLE. Is that not true?

Miss RIFKIN. Yes, sir.

Mr. DOYLE. Your answer is "Yes, sir." And that material, printed matter, and mimeographed material came to your attention, did it not, during those 2 years?

Miss RIFKIN. From time to time.

Mr. DOYLE. I beg your pardon?

Miss RIFKIN. Yes, sir, from time to time.

Mr. DOYLE. "Yes, sir." And you read the arguments against this committee during those 2 years that appeared in that material?

Miss RIFKIN. Yes, sir.

Mr. DOYLE. In fact, you helped prepare some of that material; did you not?

Miss RIFKIN. How do you mean, prepare?

Mr. DOYLE. At least you proofread it; you did that much, did you not?

Miss RIFKIN. Yes.

Mr. DOYLE. I beg your pardon?

Miss RIFKIN. Typing and proofreading.

Mr. DOYLE. Typing, yes. And that gave you in those 2 years, did it not, a pretty definite idea of what the functioning of this committee was. There was nothing vague about it; was there?

Miss RIFKIN. It is vague now because I don't carry in my memory all of it.

Mr. DOYLE. You do not carry it in your memory?

Miss RIFKIN. All the things that were said in the publications that they produced.

Mr. DOYLE. During the 2 years that you were a secretary in the National Lawyers' Guild, did you attend any Communist meetings, either large or small?

(Representative Donald L. Jackson returned to the room at this point.)

Miss RIFKIN. I decline to answer that, sir, on the basis of the fifth amendment.

Mr. DOYLE. Our legal counsel has read the testimony of Miss Bentley before this committee in which, whether right or wrong, she identified you as a person she knew in the Communist Party in Washington.

I think when counsel asked you if her testimony was true or false, you claimed your constitutional privilege. Do you recall that?

Miss RIFKIN. Do I what?

Mr. DOYLE. Do you recall that just a few minutes ago?

Miss RIFKIN. That I claimed my privilege?

Mr. DOYLE. Yes.

Miss RIFKIN. Yes.

Mr. DOYLE. Now, may I ask you, are you acquainted, or during the time that you were secretary to the National Lawyers' Guild, were you then acquainted with any Communist leaders in Washington?

Miss RIFKIN. I decline to answer that, sir, on the basis of the fifth-amendment privilege.

Mr. DOYLE. During that time, did any of those people that you decline to testify about, call at the office?

Miss RIFKIN. I am sorry, I am not hearing.

Mr. DOYLE. During the time that you were secretary of the National Lawyers' Guild, did any of those people that I have asked you about now, whether or not you knew them in Washington, those

leaders of the Communist Party in Washington, did any of them call at the office of the National Lawyers' Guild?

Miss RIFKIN. I decline to answer that question, sir, on the basis of the fifth-amendment privilege.

Mr. DOYLE. It is a fact, is it not, that leaders of the Communist Party in Washington, D. C., during the time that you were a secretary at the offices——

Miss RIFKIN. Excuse me just a minute. I missed the first part of the question.

Mr. DOYLE. It is a fact, is it not, that during the time that you were a secretary in the National Lawyers' Guild in Washington, D. C., and during the time of the fight against, say, the Mundt bill, by the National Lawyers' Guild, that members of the Communist Party known to you to be members of that party called at the office of the National Lawyers' Guild and helped prepare the fight against the Mundt bill?

Miss RIFKIN. I decline to answer that question, sir, on the grounds previously stated.

Mr. DOYLE. I think that is all.

Mr. MOULDER. I hope I can ask you some questions now on which you will not have to invoke the fifth amendment.

First, you are an American citizen; are you not?

Miss RIFKIN. Yes.

Mr. MOULDER. Where were you born and when were you born?

Miss RIFKIN. Wilkes-Barre, Pa., February 1, 1912.

Mr. MOULDER. Are you married?

Miss RIFKIN. No, sir.

Mr. MOULDER. Were you ever married?

Miss RIFKIN. No, sir.

Mr. MOULDER. Were your parents born in this country?

Miss RIFKIN. My mother was; my father was not.

Mr. MOULDER. Where was he born?

Miss RIFKIN. He was born in Russia and brought here at the age of 5.

Mr. MOULDER. Do you know where he was born in Russia?

Miss RIFKIN. No.

Mr. MOULDER. When did he come to this country?

Miss RIFKIN. When?

Mr. MOULDER. Yes.

Miss RIFKIN. Well, I think he is about 65 or 66, and he came at the age of 5. You will have to do the arithmetic.

Mr. MOULDER. Did he take out proceedings to become a citizen?

Miss RIFKIN. I think he received them on the basis of his father having become a citizen.

Mr. MOULDER. Several questions have been asked you concerning your affiliation with the Communist Party. Could you tell us whether or not you are a member of any political party, or are you affiliated with any political party?

Miss RIFKIN. Well, the Progressive Party.

Mr. MOULDER. Are you a member of any social or civic organizations?

Miss RIFKIN. No, sir.

Mr. MOULDER. Have you ever been?

Miss RIFKIN. Well, if I was, it is such a long time ago that I don't remember.

Mr. MOULDER. As I understand your employment in public agencies was with UNRRA and United Nations?

Miss RIFKIN. You understand what, sir?

Mr. MOULDER. What were the agencies that you were employed by?

Miss RIFKIN. UNRRA.

Mr. MOULDER. And that alone?

Miss RIFKIN. And prior to that OFRRA.

Mr. MOULDER. What?

Miss RIFKIN. Office of Foreign Relief and Rehabilitation Administration.

Mr. MOULDER. Can you give us a brief description of this: Mr. Jackson asked you the question as to what were your steps in making application for securing employment in that agency.

Miss RIFKIN. I didn't make application, Mr. Moulder. I was invited to come down to be secretary to Mrs. Johnstone.

Mr. MOULDER. She invited you?

Miss RIFKIN. She invited me.

Mr. MOULDER. Your answers to questions propounded to you by counsel and members of the committee have been very evasive, and you have also been depending upon the protection of the fifth amendment of the Constitution.

Have you ever taken an oath to support the Constitution?

Miss RIFKIN. I don't know whether I made an oath.

Mr. MOULDER. Have you ever taken an oath to support and defend the Constitution of the United States?

Miss RIFKIN. I may have at some time or other, I am sure that I did. I am willing to support the Constitution.

Mr. MOULDER. Do you believe in supporting and defending the Constitution of the United States?

Miss RIFKIN. I certainly do.

Mr. MOULDER. Do you subscribe to any belief or philosophy of overthrowing and changing our present form of Government and the Constitution?

Miss RIFKIN. Well, I decline to answer that question on the basis of the fifth amendment.

Mr. MOULDER. Do you have any other questions, Mr. Jackson?

Mr. JACKSON. I have no further questions.

Mr. DOYLE. I have one more question.

Mr. MOULDER. Mr. Doyle.

Mr. DOYLE. During the time that you worked for the two agencies or departments of the United States Government here in Washington——

Miss RIFKIN. With UNRRA? A department of the United States Government?

Mr. DOYLE. Let me segregate them. I believe we do pay most of the bill.

During the time that you worked for OFRRA, that was an agency then functioning as an agency of the United States Government, was it not?

Miss RIFKIN. UNRRA functioning as an agency?

Mr. DOYLE. No; OFRRA.

Miss RIFKIN. OFRRA; yes.

Mr. DOYLE. During that period of time, did you attend any meeting of any Communist cell in the United States?

Miss RIFKIN. I decline to answer that question, sir, on the basis of the fifth amendment.

Mr. DOYLE. During the time that you worked for UNRRA, did you attend any Communist meeting or Communist cell in the United States?

Miss RIFKIN. I decline to answer that question, sir, on the basis of the fifth amendment.

Mr. DOYLE. During the time that you were a secretary of the National Lawyers' Guild, did you attend any convention of the Communist Party in the United States?

Miss RIFKIN. I decline to answer that question, sir, on the basis of the fifth amendment.

Mr. DOYLE. Have you ever been in correspondence as a secretary for any organization or as a member of any organization in the United States with the secretary or officer of any organization in Russia?

Miss RIFKIN. No, sir.

Mr. DOYLE. Are you now in correspondence with any such person?

Miss RIFKIN. No, sir.

Mr. DOYLE. Do you receive any printed material or circulars, or mail, whether in correspondence with them or not, from Soviet Russia?

Miss RIFKIN. No, sir.

Mr. DOYLE. That is all.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. Are you now in correspondence with any person in the United States known to you to be a member of the Communist Party?

Miss RIFKIN. I decline to answer that question.

Mr. JACKSON. Do you believe that membership in the Communist Party today is consistent with loyalty to the United States Government?

Miss RIFKIN. I decline to answer that question, sir.

Mr. JACKSON. Very well.

Mr. MOULDER. You mentioned the Progressive Party. When did you become a member of the Progressive Party?

Miss RIFKIN. When it formed, and I don't quite remember.

Mr. MOULDER. Was that in New York?

Miss RIFKIN. No; here.

Mr. MOULDER. I have one more question in conclusion. I asked you about your belief in our present form of Government, and your loyalty in supporting the Constitution of the United States.

Do you subscribe or believe in the change of our Constitution or the overthrow of our present form of Government by force or by violence, if necessary?

Miss RIFKIN. No, sir.

Mr. MOULDER. Are there any further questions?

Mr. DOYLE. No.

Mr. MOULDER. Mr. Counsel?

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. The witness is excused.

Are there any further witnesses?

Mr. TAVENNER. No, sir.

Mr. MOULDER. The committee stands in recess.

(Whereupon at 3:55 p. m., Tuesday, May 6, 1952, the hearing was recessed, the committee to reconvene subject to the call of the Chair.)

METHODS OF COMMUNIST INFILTRATION IN THE UNITED STATES GOVERNMENT

TUESDAY, JUNE 10, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to adjournment, at 10:50 a. m., in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood, Francis E. Walter, Clyde Doyle (appearance as noted), Harold H. Velde, and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., assistant counsel; John W. Carrington, clerk; Raphael I. Nixon, director of research; and A. S. Poore, editor.

Mr. WOOD. The committee will come to order.

Let the record show that for the purpose of this hearing there is a subcommittee composed of Messrs. Walter, Doyle, Velde, and Jackson.

Whom do you have as a witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Irving Kaplan.

Mr. WOOD. Mr. Kaplan, will you raise your right hand and be sworn?

Do you solemnly swear that the evidence you will give to this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAPLAN. I do.

Mr. WOOD. Mr. Kaplan, are you represented by counsel?

Mr. KAPLAN. Yes, sir.

Mr. WOOD. Will counsel please identify himself for the record?

Mr. FRIEDMAN. Milton H. Friedman, 522 Fifth Avenue, New York.

TESTIMONY OF IRVING KAPLAN, ACCOMPANIED BY HIS COUNSEL, MILTON H. FRIEDMAN

Mr. TAVENNER. Will you please state your name, Mr. Kaplan?

Mr. KAPLAN. Irving Kaplan.

Mr. TAVENNER. When and where were you born, Mr. Kaplan?

Mr. KAPLAN. I was born in Poland, in September 1900, 23rd of September.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. KAPLAN. I am, by derivation of my father's papers.

Mr. TAVENNER. When was your father naturalized, and under what name?

Mr. KAPLAN. Morris Kaplan, in 1910 or 1911. I don't remember.

Mr. TAVENNER. When did you come to the United States?

Mr. KAPLAN. I suppose about 1904 or 1903 or 1905, somewhere around there.

Mr. TAVENNER. Where do you now reside?

Mr. KAPLAN. 130 West Seventy-Eighth Street, New York City.

Mr. TAVENNER. What is your occupation?

Mr. KAPLAN. Economist.

Mr. TAVENNER. How are you employed?

Mr. KAPLAN. I am not employed now.

Mr. TAVENNER. Will you furnish the committee briefly a statement of your formal education, of what your formal education has been?

Mr. KAPLAN. I was educated in the public schools of New York City and the high schools. I went to City College in the City of New York for 1 year; Columbia for 3 years, got an AB degree there.

Mr. TAVENNER. What was the date?

Mr. KAPLAN. 1923.

I had some graduate work there and I attended law school for a year or year and a half at Fordham.

(Representative Harold H. Velde left the hearing room at this point.)

Mr. TAVENNER. When did you complete your work in the law school at Fordham?

Mr. KAPLAN. I think I attended in 1928 and part of 1929. I never completed the work; I just studied a year and a fraction.

Mr. TAVENNER. According to the committee's record, you became employed for the first time by the United States Government in July 1935.

Mr. KAPLAN. I believe that is right.

Mr. TAVENNER. With the Works Progress Administration, in Washington. Is that correct?

Mr. KAPLAN. I believe so.

Mr. TAVENNER. Did you live in Washington at that time?

Mr. KAPLAN. Yes.

Mr. TAVENNER. Where did you live?

Mr. KAPLAN. I can't remember the address. It was somewhere up just off Connecticut Avenue, around S Street, I think.

Mr. TAVENNER. How long were you employed in the Works Progress Administration?

Mr. KAPLAN. I was employed there for several months here in Washington, and then I was assigned to a project that had its headquarters at Philadelphia.

Mr. TAVENNER. Do you recall about the time that you went to Philadelphia on that project?

Mr. KAPLAN. About the end of that same year.

Mr. TAVENNER. How long did you remain engaged in the work of that project in Philadelphia?

Mr. KAPLAN. Several years, until the summer of 1938, I believe.

Mr. TAVENNER. What was the nature of the project?

Mr. KAPLAN. It was called the National Research Project, and it was concerned with the study of technological unemployment.

Mr. TAVENNER. Will you advise the committee, please, how you obtained your first appointment with the Works Progress Administration?

Mr. KAPLAN. I just had been around Washington to see people and telling them about my work, and I got an offer of a job there.

Mr. TAVENNER. Who was it that offered you the job?

Mr. KAPLAN. I should like to consult counsel on that.

(The witness consulted with his counsel.)

Mr. KAPLAN. I think it was Paul Webbink.

(Representative Harold H. Velde returned to the hearing room at this point.)

Mr. TAVENNER. Will you give us his name again, and spell it, please?

Mr. KAPLAN. Paul W-e-b-b-i-n-k, or "g"; I am not sure.[1]

Mr. TAVENNER. What official position did he hold?

Mr. KAPLAN. I don't recall the title, but I think he was head of one of the divisions or branches, whatever it was called.

Mr. WOOD. Will you elevate your voice, please?

Mr. KAPLAN. I don't recall the title, but I believe he was the head of a division or branch, or whatever that part of the administration was called.

Mr. TAVENNER. Did you confer with anyone in the Works Progress Administration in addition to the person whose name you mentioned, with regard to a position?

Mr. KAPLAN. May I consult with counsel?

(The witness consulted with his counsel.)

Mr. KAPLAN. I refuse to answer, on the grounds that it may tend to incriminate or degrade me.

Mr. TAVENNER. Do I understand that you contend that to advise this committee the names of the persons in official positions in the department of the Government in which you were employed and with whom you conferred, might tend to incriminate you if you answer truthfully in regard to it?

Mr. KAPLAN. I do.

Mr. TAVENNER. Who were your superiors in the Works Progress Administration while you were in Washington?

Mr. KAPLAN. Mr. Webbink, through him, Mr. Carrington Gill.

Mr. TAVENNER. Mr. Paul Webbink? Will you spell it again?

Mr. KAPLAN. W-e-b-b-i-n-g, I think it is; or "k." I am not sure.[1]

Mr. TAVENNER. You are not certain whether the last letter is a "g" or a "k"?

Mr. KAPLAN. That is right.

Mr. TAVENNER. What was your official position when you first became employed?

Mr. KAPLAN. I was engaged in preparing statistical reports on the progress of the Works Progress program.

Mr. TAVENNER. What was your title?

Mr. KAPLAN. I am not sure. I think it was principal statistician.

Mr. TAVENNER. What was your grade?

Mr. KAPLAN. You mean the salary?

Mr. TAVENNER. Well, you can speak of it in terms of salary. It would be all right.

[1] Name is Paul Webbink.

Mr. KAPLAN. I think it was about $4,200 dollars a year.

Mr. WALTER. Who recommended you for that position?

Mr. KAPLAN. I don't recall that there were any specific recommend ations. There was a list of people I gave them that they wrote to.

Mr. WALTER. Who were those people?

Mr. KAPLAN. The only two I can recall is a Mr. Cullinan, of San Francisco——

Mr. WALTER. Cullinan?

Mr. KAPLAN. That is right.

Mr. WALTER. What is his first name?

Mr. KAPLAN. Eustis, I think. I think it is Eustis.

Mr. WALTER. Eustis Cullinan?

Mr. KAPLAN. That is right.

Mr. WALTER. Where did you meet that man?

Mr. KAPLAN. In San Francisco. He was an attorney retained at times by the Pacific Gas & Electric Co.

And the other was Mr. Vincent, who was vice president of the Pacific Gas & Electric Co.

Mr. WALTER. Were you employed by the Pacific Gas & Electric Co.?

Mr. KAPLAN. I was, prior to that.

Mr. VELDE. In what year was that that you were first employed by the WPA, Mr. Kaplan?

Mr. KAPLAN. By the Government, or——

Mr. VELDE. WPA.

Mr. KAPLAN. 1935, I think.

Mr. TAVENNER. What was the name of the other superior in addition to Mr. Webbink?

Mr. KAPLAN. Mr. Carrington Gill. He was an assistant administrator.

Mr. TAVENNER. Will you spell the last name, please? And try to speak a little louder?

Mr. KAPLAN. G-i-l-l.

Mr. TAVENNER. Who was the other person whose name you say you can recall, who recommended you for this position?

Mr. KAPLAN. Mr. Vincent.

Mr. TAVENNER. What is his first name?

Mr. KAPLAN. I say I didn't know he recommended me. I know I gave him as reference, and I assume they wrote to him.

Mr. TAVENNER. What is his first name?

Mr. KAPLAN. I really can't recall. He was executive vice president of the Pacific Gas & Electric.

Mr. TAVENNER. When you worked for the Pacific Gas & Electric Co., where were you stationed?

Mr. KAPLAN. San Francisco.

Mr. TAVENNER. How long were you in San Francisco?

Mr. KAPLAN. About 6 or 7 years; 6 to 7 years.

Mr. TAVENNER. What was your position with that company?

Mr. KAPLAN. I was an economist there.

Mr. TAVENNER. Did you leave the west coast to come to Washington to look for employment with the Works Progress Administration?

Mr. KAPLAN. No, I left the west coast to come back east.

Mr. TAVENNER. When did you leave the west coast?

Mr. KAPLAN. In the spring of 1935.

Mr. TAVENNER. Had you consulted anyone with regard to a position with the Works Progress Administration before leaving California?

Mr. KAPLAN. No, I don't think so.

Mr. TAVENNER. Who recommended you for the position, if you know; that is, the position with the Works Progress Administration?

Mr. KAPLAN. I think I already indicated I don't recall that anybody had recommended me specifically.

(Representative Clyde Doyle entered the hearing room at this point).

Mr. TAVENNER. Did you take a civil service examination?

Mr. KAPLAN. No.

Mr. TAVENNER. And you were appointed to the position?

Mr. KAPLAN. Yes, sir.

Mr. TAVENNER. You stated you were transferred to Philadelphia on a special project in October 1935. What was your official title and position at the time that you were assigned to that project?

Mr. KAPLAN. I don't recall whether it was October or later, but it was about that time. My title was associate director of the National Research Project.

Mr. TAVENNER. So in a period of 4 or 5 months, you became the associate director of what?

Mr. KAPLAN. Of the National Research, on this technological unemployment study.

Mr. TAVENNER. Were you given an increase in grade when you took that assignment?

Mr. KAPLAN. I think soon thereafter I received an increase in salary.

Mr. TAVENNER. Who recommended you for assignment to that work?

Mr. KAPLAN. May I consult with counsel?

(The witness consulted with his counsel.)

Mr. KAPLAN. I don't know that anyone recommended me for that post.

Mr. TAVENNER. What title or position did he hold?

Mr. KAPLAN. I say I don't know that anyone recommended me for that post.

Mr. TAVENNER. I wish you would move the speaker closer [1] to you.

Mr. KAPLAN. I never talked to one of these.

Mr. FRIEDMAN. His voice is very weak.

Mr. TAVENNER. The acoustics are bad, and I don't blame him for that, of course.

Who was your superior on your mission to Philadelphia?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate or degrade me.

Mr. TAVENNER. Mr. Chairman, I think the witness should be directed to answer the question.

Mr. WOOD. Read the question again, please.

(The pending question, as above recorded, was read by the official reporter.)

Mr. WOOD. I fail to see how a truthful answer to that question could incriminate you.

[1] Reference to public address system.

Mr. FRIEDMAN. The witness would prefer to respond to the directive of the chairman.

Mr. WOOD. Very well.

Mr. KAPLAN. Mr. David Weintraub.

Mr. TAVENNER. How long have you known Mr. David Weintraub?

Mr. KAPLAN. I refuse to answer that question on the ground of the fifth amendment.

Mr. WOOD. How long have you known him? You refuse to answer that?

Mr. KAPLAN. Yes, sir.

Mr. TAVENNER. Had you known him prior to your going to Philadelphia to accept the position of associate director on the project being conducted there?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. You state your title was associate director?

Mr. KAPLAN. Correct.

Mr. TAVENNER. Who were the other associate directors?

Mr. KAPLAN. There were no other associate directors.

Mr. VELDE. Mr. Chairman, I can see no reason why the witness should not be directed to answer the question as to how long he knew Mr. Weintraub.

Mr. WOOD. I think that is a pertinent inquiry, Mr. Kaplan. I do not understand how that could incriminate you.

I direct that you answer the question, sir, as to how long you knew him when you were in Philadelphia.

Mr. KAPLAN. I refuse to answer, on the ground that it may tend to incriminate me.

Mr. WALTER. Let me get this straight in my mind. When you went to Philadelphia, Mr. Weintraub was in the employ of the same governmental agency, was he not?

(The witness consulted with his counsel.)

Mr. KAPLAN. Yes, he was.

Mr. WALTER. Did you take that position because Mr. Weintraub had requested that you be assigned to the position you occupied?

Mr. KAPLAN. I refuse to answer, on the grounds of the fifth amendment.

Mr. TAVENNER. Where did you live while in Philadelphia?

Mr. KAPLAN. I lived at several places. The best I can remember, one was somewhere on—I think it was North Twelfth Street, out toward Olney. Then I lived for a short time down near the center of town in a small house. I don't recall the address at all.

Then I think I lived most of the time at the Chatham Apartments. It is downtown, around Twentieth or Nineteenth Street, around Locust some place.

Mr. TAVENNER. The second place to which you moved, was that at St. Mark's Square?

Mr. KAPLAN. I wouldn't remember.

Mr. TAVENNER. Did you ever live at St. Mark's Square?

Mr. KAPLAN. I don't recall.

Mr. TAVENNER. Well, you would know, would you not, whether or not you ever lived at 301 St. Mark's Square?

Mr. KAPLAN. I don't recall. There was another place I lived at after the Chatham, just before I came to Washington. I just had the

place for the summer, and I don't remember the address of that place, either.

Mr. TAVENNER. Did you ever live at 301 St. Mark's Square, Philadelphia?

Mr. KAPLAN. I don't recall.

Mr. TAVENNER. How long did you remain employed on the project in Philadelphia?

Mr. KAPLAN. Until the summer of 1938.

Mr. TAVENNER. What was the reason for the termination of your work at that time with that project?

Mr. KAPLAN. I left to take a post with the Justice Department to work in connection with the TNEC.

Mr. TAVENNER. And by the TNEC, what do you mean?

Mr. KAPLAN. Temporary National Economic Committee's work.

Mr. TAVENNER. Will you tell us the circumstances under which you obtained that assignment to the Department of Justice?

Mr. KAPLAN. I had an interview with Mr. Thurman Arnold, the Assistant Attorney General in charge, and I agreed to come back and work there.

Mr. TAVENNER. Did you come from Washington to see Mr. Arnold? In other words, did you initiate the conference with Mr. Arnold?

Mr. KAPLAN. I don't recall. I used to come to Washington every now and then at that time on business.

Mr. TAVENNER. What were the circumstances under which you interviewed Mr. Arnold? Did someone make an appointment for you, or how did you arrange to meet Mr. Arnold?

(The witness consulted with his counsel.)

Mr. KAPLAN. An appointment was made for me, but as to who made the appointment, I refuse to answer, on the ground that it may tend to incriminate or degrade me.

Mr. TAVENNER. Did any associate in your work in your mission in Philadelphia make the appointment with Mr. Thurman Arnold for you?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate or degrade me.

Mr. TAVENNER. What were the circumstances under which you had another person make this appointment with Assistant Attorney General Thurman Arnold?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. VELDE. Had you known Mr. Arnold before?

Mr. KAPLAN. No.

Mr. TAVENNER. Did Mr. David Weintraub have anything to do with your meeting Mr. Thurman Arnold?

Mr. KAPLAN. I refuse to answer, on the grounds of the constitutional amendment No. 5.

Mr. DOYLE. May I ask a question, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. Was the person who made the appointment for you to see the Assistant Attorney General of the United States another Federal Government employee at the time?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. Doyle. Did you ask for the appointment with Mr. Thurman Arnold through someone else?

(The witness consulted with his counsel.)

Mr. Kaplan. I don't recall whether I asked for that appointment, or not.

Mr. Doyle. But you do recall that someone made the appointment for you, that if you gave the name of that person you might be incriminated; is that your testimony?

Mr. Kaplan. Yes.

Mr. Doyle. In other words, you have a good memory on one point, but not on the other involved in the same subject; is that the way want the record to stand?

Mr. Kaplan. During my work in the Federal Government, there were any number of times when I was asked whether I would take some job, or not. I can't recall now whether, on this particular job, I indicated an interest to someone, or whether an inquiry was made to me as to whether I would be interested.

Mr. Doyle. If you don't recall whether or not you indicated interest to anyone else, how then do you testify it might incriminate you to tell the name of the person whom you asked for the appointment?

(The witness consulted with his counsel.)

Mr. Kaplan. I think that is a different question. I have simply indicated to you just now that I don't recall on whose initiative the the appointment was made.

Mr. Doyle. Well, if you do not recall, how, then, do you testify it would incriminate you if you told the name? Does not that indicate that you do know the name of the person? How can you say it would incriminate you if you do not know to whom you refer?

Mr. Kaplan. I didn't say I don't know whom I am referring to. I said I don't recall on whose initiative the appointment was made.

Mr. Doyle. May I ask you this question, then: I thought you testified as to who made the appointment for you to see Mr. Thurman Arnold, Assistant Attorney General, that it might incriminate you.

Mr. Kaplan. That is right.

Mr. Doyle. Is that the way you testify?

Mr. Kaplan. That is right.

Mr. Doyle. But do you now recall who it was that made the appointment for you to see the Assistant Attorney General, do you recall right this minute?

Mr. Kaplan. I think so.

Mr. Doyle. I want to ask you again: Was that person at that time an employee of the United States Government?

(The witness consults with his counsel.)

Mr. Kaplan. I refuse to answer, on the ground that it might incriminate me.

Mr. Tavenner. What was the date when you went to the Department of Justice?

Mr. Kaplan. 1938, probably in August, I guess, or early September. I am not sure.

Mr. Tavenner. Where did you first obtain information that there was a position in the Department of Justice which might be filled by you?

Mr. KAPLAN. I think there was public knowledge at the time that there were positions in various agencies connected with that study.

Mr. TAVENNER. But how did you get your information? I am not speaking about public information generally.

Mr. KAPLAN. I think I knew about it from the public information.

Mr. TAVENNER. But you cannot recall whether you initiated the application for the position, or whether it was done at the instance of some other person?

Mr. KAPLAN. That is right.

Mr. TAVENNER. In the course of your seeking employment with the Department of Justice, did you give any references?

(The witness consults with his counsel.)

Mr. KAPLAN. Yes.

Mr. TAVENNER. I will come to that and discuss that more fully presently.

Before going into that, I want to ask you another question. Did you know that Whittaker Chambers, who is a self-admitted former courier for a Soviet espionage apparatus, testified before the Committee on Un-American Activities on August 30, 1948? Mr. Chambers testified that in 1937 he had decided to break with the Communist Party.

In line with these plans and as a matter of security for himself, he felt it best to obtain employment in the Government and, as a result, he asked George Silverman to assist him in obtaining a job in the Government. Mr. Chambers testified—and I quote now from his testimony:

> Mr. Silverman referred to me to one Irving Kaplan, who was, I believe, at that time cohead of something called the Federal Research Project, or the National Research Project. I have forgotten it. Mr. Kaplan was then living in Philadelphia. I went to Philadelphia and spent the evening with him and discussed the problem. Now, I had known Mr. Kaplan before. He knew my real name.

A question was then asked by Mr. Nixon, then a member of this committee, now a United States Senator:

> Did Silverman know your real name?
> Answer. No, he did not. He knew me as Carl.

A question by Mr. Nixon:

> I see now you saw Mr. Kaplan. And then what happened?
> Answer. I saw Mr. Kaplan and he told me that he would try to arrange matters, and he tried to arrange matters so expeditiously that within—certainly within a matter of days, probably within 24 hours or so, I had a job with the Federal Government.

A question by Mr. Nixon:

> You were on the pay roll?
> Answer. I was on the pay roll.
> Mr. NIXON. Mr. Kaplan arranged that job?
> Answer. I understand that he and Silverman arranged it. I don't know exactly what part was assigned to each.

Now, will you tell the committee what assistance you gave Whittaker Chambers, if any, in obtaining a position with the Government for him?

Mr. KAPLAN. I refuse to answer, on the ground it may incriminate me.

Mr. TAVENNER. Did Whittaker Chambers visit you, as he testified?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Had you known Whittaker Chambers prior to 1937, as he testified?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Were you acquainted with George Silverman?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Continuing again with the testimony of Whittaker Chambers, this question was asked by Congressman Nixon:

> And at that time that Silverman went to Kaplan, Silverman didn't even know that Chambers was your real name?
>
> Answer. No, he did not know that that was my real name. He assumed that that was for the purpose of holding the job.
>
> Mr. NIXON. When these people employed you and recommended you, they knew you were a representative of the Communist underground in Washington?
>
> Answer. They gave me that assistance on that understanding.

Were you acquainted with the fact that Whittaker Chambers was a member of the Communist underground in Washington?

Mr. KAPLAN. I refuse to answer on the ground it may tend to incriminate or degrade me.

Mr. WOOD. Let me see, Mr. Counsel, if I get this accurately in my own mind.

Do I understand you, Mr. Kaplan, to say that you decline to answer on the ground of possible incrimination, first, whether you had a conference with Whittaker Chambers, at which time, he testified, he solicited your assistance in procuring a position in the Government of the United States? Do you decline to answer that?

Mr. KAPLAN. Yes, sir.

Mr. WOOD. On the grounds that you stated?

Mr. KAPLAN. That is right.

Mr. WOOD. Secondly, do you decline to answer that if you did have such a conference with him, whether you then knew that he was an underground operator for the Communist Party seeking the restricted information from this Government to turn over to a potential foreign enemy? Do you refuse to answer that question on the same grounds?

Mr. KAPLAN, I do.

Mr. WOOD. And, thirdly, assuming that you did have that knowledge and refuse to answer and that you did have the conversation with him, about which you refused to answer, do you want to leave the record with this committee that you refuse to answer whether or not you went ahead and helped him get a position with the Government?

Mr. KAPLAN. That is right.

Mr. DOYLE. May I ask this question: At the time you were an employee of the United States Government, at the time that Whittaker Chambers was also an employee of the United States Government, did you, in your official capacity, as an employee of the United States Government, have any conference with or transaction with Whittaker Chambers covering any matter of information and knowledge which you gained as an employee of the United States Government?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Mr. Kaplan, I have in my possession an application for a position, filed with the Office of Production Management, under date of January 6, 1942.[1]

Mr. WOOD. Application by whom?

Mr. TAVENNER. By Mr. Kaplan.

What was your employment in the Government between 1938 and 1942?

Mr. KAPLAN. I was with the Justice Department for a period.

Mr. TAVENNER. From 1938 until what date?

Mr. KAPLAN. I don't remember exactly; probably sometime in 1940.

Then I spent some time on loan to the Social Security Board for a special survey they and the Budget Bureau asked me to do, and then I went to work for the Federal Works Administration.

Mr. TAVENNER. What was the date on which you went to work for the Federal Works Administration?

Mr. KAPLAN. Probably some date in 1940, or early 1941; I am not sure.

Mr. TAVENNER. I think February 21, 1940.

Mr. KAPLAN. 1940, was it?

Mr. TAVENNER. Yes, sir.

Mr. KAPLAN. Federal Works?

Mr. TAVENNER. Yes, sir.

Mr. KAPLAN. Then that was immediately after the term, the period I spent on loan to the Social Security Board.

Mr. TAVENNER. Had you worked with the Federal Works Agency from February 21, 1940, until the date of your application on January 6, 1942, to the Office of Production Management?

Mr. KAPLAN. I had been there that time. The exact date of transfer to the Office of Production Management or the War Production Board, whichever it was at the time, I don't recall. But it was about that time.

Mr. TAVENNER. I hand you the application which I referred to, January 6, 1942, for a position with the Office of Production Management. I ask you to examine it. It purports to be a photostatic copy of your application. Will you examine it and state whether or not such an application was filed by you?

(The witness examines the document referred to and consults with his counsel.)

Mr. TAVENNER. Will you examine the last page, where a signature will be found, and state whether or not that is your signature?

Mr. KAPLAN. I believe that is my signature.

Mr. TAVENNER. There is not any doubt in your mind, but what that is your signature, is there?

(The witness consults with his counsel.)

Mr. KAPLAN. I can't be sure on a photostatic copy. It looks like my signature.

Mr. TAVENNER. You are satisfied it is your signature, are you not?

Mr. KAPLAN. Yes, I think so.

Mr. TAVENNER. And that you filed that application?

Mr. KAPLAN. Yes, I filed an application there.

Mr. TAVENNER. Will you examine the last page of the copy and state whether or not there appears above your signature a list of five names of individuals?

[1] By direction of the chairman, application for position with the Office of Production Management, made by Irving Kaplan on January 6, 1942, has been designated, "Irving Kaplan Exhibit No. 1."

Mr. KAPLAN. There does.

Mr. TAVENNER. Those are persons who you state there have knowledge of your character, experience, and ability and whose names you gave as references; is that right?

Mr. KAPLAN. That is correct.

Mr. TAVENNER. Will you please read those five names?

Mr. KAPLAN. Maurice Copeland, A. G. Silverman.

Mr. TAVENNER. Excuse me. Will you read the names and the titles distinctly enough so that the reporter can get them?

Mr. KAPLAN. Maurice Copeland, Central Statistical Board, executive secretary; A. G. Silverman, Bureau of Economics, Railroad Retirement Board, Director; Lauchlin Currie, executive assistant to the President; Stewart Rice, Chairman, Central Statistical Board; Joseph Dorfman, department of economics, Columbia University.

Mr. WOOD. I did not get the last name.

Mr. KAPLAN. Dorfman.

Mr. WOOD. D-o-r-f-m-a-n?

Mr. KAPLAN. That is right.

Mr. TAVENNER. I notice there appears there the name of A. G. Silverman, Bureau of Economics, Railroad Retirement Board, Washington, D. C.

What opportunity did Mr. Silverman have to learn of your character, experience, and ability?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. You gave him as a reference as to your good character, and now you take the position you will not state to this committee what opportunity he had to observe your good character?

Mr. KAPLAN. I do.

Mr. TAVENNER. Because to do so might tend to incriminate you?

Mr. KAPLAN. I do.

Mr. TAVENNER. How long had you known Mr. A. G. Silverman, whose name appears on your application?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. He is the same person known as Abraham George Silverman, is he not?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. Was the person whose name you gave as A. G. Silverman also known as Abraham George Silverman?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. It is noted that A. G. Silverman was the Director of the Bureau of Economics, Railroad Retirement Board, Washington, D. C. Were you ever an employee at any time of that Board?

Mr. KAPLAN. No.

Mr. TAVENNER. Was A. G. Silverman at any time an employee of the Works Progress Administration, in which you had been employed, and while you were so employed there?

(The witness consults with his counsel.)

Mr. KAPLAN. No; he was not.

Mr. TAVENNER. Had you ever worked in any Government position, either as a superior of Mr. A. G. Silverman, or as one working under him?

Mr. KAPLAN. No.

Mr. TAVENNER. Had you at any time worked in private industry in any connection with Mr. A. G. Silverman?

Mr. KAPLAN. No.

Mr. TAVENNER. Had you attended school with Mr. A. G. Silverman at any time?

Mr. KAPLAN. No.

Mr. TAVENNER. How close did you live to the home of A. G. Silverman?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Had he visited in your home?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Had you visited in his home?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. WALTER. Are you related to him?

(The witness consults with his counsel.)

Mr. KAPLAN. No.

Mr. WALTER. Did you have to get your lawyer's advice?

Mr. KAPLAN. I wasn't sure how broad that word "related" is.

Mr. WALTER. Excuse me.

Mr. TAVENNER. Had you been associated with Mr. Silverman in any work or undertaking of any kind?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did Mr. Silverman assist you at any time prior to the filing of this application, which was January 6, 1942, in obtaining a Government position?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. VELDE. Mr. Kaplan, during your employment with the Department of Justice, who was your immediate supervisor or superior?

Mr. KAPLAN. I think Thurman Arnold.

Mr. VELDE. There was no one between him and you?

Mr. KAPLAN. Well, there were other people I worked with, but I don't recall there was any responsibility of direct supervision.

Mr. VELDE. That was between the years 1938 and 1940 that you were employed by the Department of Justice?

Mr. KAPLAN. I think the dates that were read there at the time. It was late in the thirties or early 1940—late in 1938, I mean.

Mr. VELDE. In what department were you? Was Mr. Arnold in the Antitrust Section then?

Mr. KAPLAN. Antitrust; yes.

Mr. VELDE. And you were also in that section, of course?

Mr. KAPLAN. That is right.

Mr. VELDE. Did you supervise any people in the Department of Justice, any employees, yourself?

Mr. KAPLAN. From time to time, on temporary assignment.

Mr. VELDE. About how many?

Mr. KAPLAN. I can't recall. I think at one time there were about four or five for a short period.

Mr. VELDE. Were you working as an economist, or as a statistician?

Mr. KAPLAN. That is right, economist.

Mr. VELDE. You never had any legal training, did you?

Mr. KAPLAN. Other than about a year or so at law school, I haven't had any.

Mr. TAVENNER. I will return, then, at this time, since the question of employment in the Department of Justice has arisen, to the question I started to ask you a little while ago, but deferred for the time being.

I hand you what purports to be an application for appointment to the Department of Justice, signed by you. Will you examine it, please, and state whether or not that is your signature at the end of it.[1]

(The witness examines the document referred to and consults with his counsel.)

Mr. KAPLAN. I think this is my application.

(Representative Francis E. Walter left the hearing room at this point.)

Mr. TAVENNER. Are you not satisfied that is your application?

Mr. KAPLAN. That is right.

Mr. TAVENNER. And do you not recognize your signature at the end of it?

Mr. KAPLAN. Well, I wouldn't try to go just by the signature alone. I think this is my application.

Mr. TAVENNER. It is your application?

Mr. JACKSON. You do not mean that you trust the typewritten part of it more than your written signature, do you?

Mr. KAPLAN. It is all handwritten.

Mr. JACKSON. It is all handwritten?

Mr. KAPLAN. Yes.

Mr. TAVENNER. Now, if you will return it——

Mr. WOOD. Mr. Counsel, I would like to have a positive answer to that. The witness should know whether or not it is his application without equivocating.

Is it your application?

Mr. KAPLAN. Surely. I say it is.

Mr. TAVENNER. Will you please read paragraphs Nos. 4 and 5?

Mr. KAPLAN. You mean questions Nos. 4 and 5?

Mr. TAVENNER. Yes, which are answered by you.

Mr. KAPLAN (reading):

Date of birth, September 23, 1900; weight, 130; height, 5 feet 8; race, white; place of birth, New York City; present citizenship, United States.

Mr. TAVENNER. Will you return it, please?

You told us in the beginning of my interrogation of you that you were born in Poland, did you not?

Mr. KAPLAN. That is right.

Mr. TAVENNER. You state here the place of your birth is New York City.

Mr. KAPLAN. So it says.

Mr. TAVENNER. What is your explanation for that conflict in statements as to the place of your birth?

(The witness consults with his counsel.)

Mr. KAPLAN. No; I don't have any.

Mr. TAVENNER. You have no explanation?

Mr. KAPLAN. No.

Mr. TAVENNER. You must have had some purpose in stating that you were born in New York City when actually you were born in Poland.

Mr. KAPLAN. Pardon me.

(The witness consults with his counsel.)

[1] By direction of the chairman, application for appointment with the Department of Justice, made by Irving Kaplan on June 30, 1938, has been designated, "Irving Kaplan Exhibit No. 2."

Mr. VELDE. Were you actually born in Poland, or were you born in New York City?

Mr. KAPLAN. I was born in Poland.

Mr. VELDE. What city in Poland?

Mr. KAPLAN. I can spell it for you. It is Z-d-z-i-e-n-c-i-o-l.

Mr. VELDE. So that when you stated on your application for employment with the Department of Justice that you were born in New York City, you were either mistaken or you were misrepresenting the fact: is that right?

Mr. KAPLAN. That is right.

Mr. WOOD. There is no question about being mistaken about it. You knew then that you were born in Poland, did you not?

Mr. KAPLAN. Well, sure, I know I was born in Poland.

Mr. WOOD. So that when you put on your application that you were born in New York City, you knew you were putting something in there that was not true, did you not?

Mr. FRIEDMAN. Do you want to consult with me?

Mr. KAPLAN. Yes; I would like to consult.

(The witness consults with his counsel.)

Mr. WOOD. I say you knew when you put that in your application it was not so, did you not?

Mr. KAPLAN. That is right.

Mr. WOOD. When did you come to this country?

Mr. KAPLAN. About 1904 or 1905.

Mr. WOOD. When?

Mr. KAPLAN. About 1904 or 1905.

Mr. WOOD. When were you born, what date?

Mr. KAPLAN. 1900.

Mr. WOOD. Have you been naturalized?

Mr. KAPLAN. Yes, I derived naturalization from my father's papers.

Mr. WOOD. You came here with your parents; is that right, sir?

Mr. KAPLAN. I came here with my mother. My father had come a little earlier.

Mr. WOOD. Your father came a little earlier and you came with your mother in about 1904 or 1905?

Mr. KAPLAN. That is right.

(Representative Francis E. Walter returned to the hearing room at this point.)

Mr. WOOD. And then later your father became a naturalized citizen, did he?

Mr. KAPLAN. That is right.

Mr. WOOD. He was not a naturalized citizen when you arrived here, was he?

Mr. KAPLAN. No.

Mr. WOOD. Do you know when he became naturalized?

Mr. KAPLAN. I said about 1910 or 1911.

Mr. WOOD. And you claimed citizenship under his naturalization papers, did you?

Mr. KAPLAN. That is correct.

Mr. WALTER. Under what name was your father naturalized?

Mr. KAPLAN. Morris A. Kaplan.

Mr. WALTER. Where? In the southern district of New York?

Mr. KAPLAN. New York; yes sir.

Mr. VELDE. Was that the same name which he had in Poland, which he was given in Poland at his birth?

Mr. KAPLAN. His name?

Mr. VELDE. Yes.

Mr. KAPLAN. I am not certain that it was the same. It has the same root.

(The witness consults with his counsel.)

Mr. KAPLAN. I say I am not absolutely certain. I think it probably was.

(Representative Francis E. Walter left the hearing room at this point.)

Mr. VELDE. Were you naturalized under the same name with which you were born or given at birth?

Mr. KAPLAN. Well, I was given a Jewish name at birth. I was naturalized under the name of Isadore, I think.

Mr. DOYLE. May I ask the witness: Did you ever have your name changed by court procedure in this country?

Mr. KAPLAN. No, sir.

Mr. TAVENNER. Did you falsely state, in your application for employment with the Justice Department, the place of your birth, with a view that by so doing you would enhance the possibilities of your employment?

Mr. KAPLAN. No.

Mr. TAVENNER. Then what was the purpose?

Mr. KAPLAN. I don't think there was any specific purpose. I think it was a matter of just happening to put it down because I had done that previously in employment with private industry, and I had usually had my applications of a formal kind drafted by transcription, a previous application, because I didn't try to reformulate. It was simpler that way.

Mr. TAVENNER. Was John Abt employed in the Department of Justice at the time you were employed there?

Mr. KAPLAN. I refuse to answer, on the ground it may incriminate me.

Mr. TAVENNER. Did John Abt assist you in any way in obtaining your employment?

Mr. KAPLAN. I refuse to answer, on the ground it may incriminate me.

Mr. TAVENNER. Are you acquainted with John Abt?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Looking again at your application, I find that you gave as refereuces, A. G. Silverman and several others. Is this the same A. G. Silverman whose name you gave as a reference when you sought employment on January 6, 1942, with the OPM?

Mr. KAPLAN. Yes.

Mr. TAVENNER. The date of this application is 1938. Therefore, your acquaintanceship with him had existed at least from 1938 up until 1942, had it not?

Mr. KAPLAN. I refuse so answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. How long prior to 1938 had you known Mr. Silverman?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. It is also noted that you listed as a reference Lauchlin Curry (sic.), with the name spelled C-u-r-r-y, Federal Reserve Board, Washington, D. C. Do you recall that?

Mr. KAPLAN. I think I just saw it.

Mr. TAVENNER. How long had you known Mr. Lauchlin Currie?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. I notice the spelling of the name is C-u-r-r-y. Is that the same person as Lauchlin Currie, C-u-r-r-i-e?

(The witness consults with his counsel.)

Mr. KAPLAN. Yes.

Mr. TAVENNER. Did you personally know Mr. Lauchlin Currie?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. What is the explanation of your furnishing him as a reference and misspelling his name, if he was a person that you knew so well that you could give him as a reference?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did you actually know him at all?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Who suggested that his name be given as a reference? Was that done on your own initiative, or did someone else suggest that his name be used?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. JACKSON. What was Lauchlin Currie's position at the time of this application, Counsel?

Mr. TAVENNER. At the time of this application, it is Federal Reserve Board.

Did he later become executive assistant to the President?

(The witness consults with his counsel.)

Mr. KAPLAN. That is the way he was listed on the application.

Mr. TAVENNER. You listed him in 1942 as executive assistant to the President. I notice in 1942 you spell his name correctly, C-u-r-r-i-e. Have you any explanation as to why you had misspelled his name in 1938 and spelled it correctly in 1942?

Mr. KAPLAN. No.

Mr. TAVENNER. Had you known him continuously during the time from 1938 to 1942?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. DOYLE. May I ask, Did you have his authority and consent to give his name as a reference?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. What were the circumstances under which you left the Department of Justice, and when did you leave it?

Mr. KAPLAN. I left the Department of Justice—apparently it was at the latter part of 1939, in response to a request to do a special survey for the Budget Bureau and the Social Security Board.

Mr. TAVENNER. What was the nature of that request?

Mr. KAPLAN. It was a request to do a survey of the work of the Old-Age and Survivors Insurance Bureau in handling the statistics that become available to them and in appraising how they should

best be handled in the interest of the agency and other agencies of the Government that the Budget Bureau was concerned with.

Mr. TAVENNER. Did you receive a salary increase when you were transferred to the Department of Justice?

Mr. KAPLAN. I don't recall.

Mr. TAVENNER. Or shortly after arriving there?

Mr. KAPLAN. I don't recall. I don't think so.

Mr. TAVENNER. Did you receive a salary increase when you were placed on loan for this special purpose that you have just mentioned?

Mr. KAPLAN. I don't recall that I did, no.

Mr. TAVENNER. Who requested your assignment to this new work?

Mr. KAPLAN. I think it was Mr. Stewart Rice.

Mr. TAVENNER. What position did he hold with the Government?

Mr. KAPLAN. He was Director of the Bureau of Statistical Standards, or Department, whatever it is called, in the Budget Bureau.

Mr. TAVENNER. Did anyone recommend you to him for that particular work, as far as you know?

Mr. KAPLAN. I am not sure. He called me and asked me whether I'd come and talk to him about it, to do this assignment.

Mr. TAVENNER. Had you discussed the matter of your transfer to that department with any other person prior to Mr. Stewart Rice speaking to you about it?

Mr. KAPLAN. No.

Mr. JACKSON. Did you know Mr. Rice previous to the time he called you? Had you met him?

Mr. KAPLAN. I think so.

Mr. JACKSON. Over how long a period of time had you known him?

Mr. KAPLAN. I don't recall.

Mr. TAVENNER. Mr. Kaplan, were you acquainted with an individual known as J. Peters, who used also the name Alexander Stevens, and also the name Goldberger?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. We will refer again to the testimony of Whittaker Chambers of August 30, 1948, before this committee. In exploring the reason for his seeking Government employment, Mr. Chambers was asked by Mr. Nixon:

> Now, you say that you took the job because you wanted to establish an identity.
> Answer. Yes.
> Mr. NIXON. You didn't tell Peters that?
> Answer. No, certainly not.
> Mr. NIXON. The reason that you gave to Peters and to Silverman, that is, that you had—and to Kaplan, is that you had——
> Answer. Was the need for a cover.

Now, to what extent were you aware of Mr. Chambers' need for a cover?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Did you ever discuss the matter of Chambers' need for a cover with A. G. Silverman?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. FRIEDMAN. Mr. Tavenner, may we take a little 5-minute recess, for my personal convenience?

Mr. Wood. Very well. We will stand in recess for 5 minutes.

(There was a short recess.)

Mr. Wood. Are you ready to proceed, Mr. Counsel?

Mr. Tavenner. Yes, sir.

Mr. Kaplan, it appears that you left your employment with the Department of Justice on October 8, 1939, to go to the Social Security Board on October 9. Will you tell us, please, whether the Social Security Board position which you went to was under the Works Progress Administration?

Mr. Kaplan. I don't think so. I think the Social Security Board was an independent agency.

Mr. Tavenner. What interest did you have, in October of 1940, with the Works Progress Administration?

Mr. Kaplan. I don't understand the question. What do you mean, what interest?

Mr. Tavenner. What interest, what work were you doing or were you attempting to do, if any, for the Works Progress Administration?

Mr. Kaplan. I wasn't working for the Works Progress Administration at that time?

Mr. Tavenner. I hand you a photostatic copy of a letter bearing date of October 16, 1940, of David Weintraub, addressed to Mr. Fred Zappolo, Director of Personnel, Works Progress Administration, Washington, D. C., in which he states:

> I have your letter of October 14. Mr. Kaplan was transferred from the administrative office of the Works Progress Administration in Washington on March 16, 1935. He was appointed to the National Research Project as an associate director, at $5,000 per annum. On September 18, 1936, his salary was raised to fifty-four hundred dollars without change in title. Mr. Kaplan resigned at the close of business August 2, 1938, to accept a position with the Department of Justice. Mr. Kaplan's aggregate basic compensation was as follows:—

and stating what it is.

Will you examine the photostatic copy of the letter and state what the purpose was of Mr. David Weintraub's writing that letter regarding you? [1]

(Representative Harold H. Velde left the hearing room at this point.)

(The witness examines the document referred to and consults with his counsel.)

Mr. Kaplan. I have no idea what the purpose of this was.

Mr. Tavenner. Will you repeat the answer?

Mr. Kaplan. I have no idea what the purpose of this correspondence between Zappolo and——

Mr. Tavenner. Have you continued in your association with Mr. David Weintraub since you left the Works Progress Administration back in 1938?

Mr. Kaplan. I refuse to answer, on the ground it may tend to incriminate me.

Mr. Tavenner. How is Mr. David Weintraub now employed?

Mr. Kaplan. He is now the Director of the Division of Economic Stability and Development in the Department of Economic Affairs at the United Nations.

Mr. Tavenner. How long has he held that position?

(The witness consults with his counsel.)

Mr. Kaplan. I don't know exactly how long.

Mr. Tavenner. Approximately, to the best of your knowledge?

[1] By direction of the chairman, letter dated October 16, 1940, to Mr. Fred Zappolo from David Weintraub has been designated, "Irving Kaplan Exhibit No. 3."

Mr. KAPLAN. For a number of years.

Mr. TAVENNER. Well, approximately?

Mr. KAPLAN. I suppose since about 1946 or 1947. I don't know.

Mr. TAVENNER. Have you been employed with the United Nations at any time since 1947, and, if so, over what period of time?

Mr. KAPLAN. I was employed by the United Nations from 1948 until May 1952.

Mr. TAVENNER. May 1952?

Mr. KAPLAN. Right.

Mr. TAVENNER. During that period of time, did you serve under, or was David Weintraub your superior at any time?

Mr. KAPLAN. Yes.

Mr. TAVENNER. Was he your superior during the entire time that you were employed?

Mr. KAPLAN. Yes.

Mr. TAVENNER. What was your title?

Mr. KAPLAN. Economic officer, or senior economic officer.

Mr. TAVENNER. Did you obtain your position in the United Nations through the influence and efforts of David Weintraub?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. WOOD. Do you mean that David Weintraub is still employed in the United Nations Organization?

Mr. KAPLAN. Yes, he is still employed there.

Mr. WOOD. And did you work under him from 1948 until May of this year?

Mr. KAPLAN. That is right.

Mr. WOOD. And telling this committee whether or not he was influential or in any way responsible for obtaining that employment would tend to incriminate you; is that the way you want to leave the record?

Mr. KAPLAN. Yes.

Mr. TAVENNER. What were the circumstances under which your employment with the United Nations was terminated?

Mr. KAPLAN. I received a notice of termination of my appointment, with no reasons given.

Mr. TAVENNER. Was that direction or notification given by David Weintraub?

Mr. KAPLAN. No. It was given by a personnel officer.

Mr. TAVENNER. Did you discuss the matter of the termination of your employment with David Weintraub?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Was David Weintraub in concurrence with the notice severing your relationship with the United Nations?

(The witness consults with his counsel.)

Mr. KAPLAN. I don't know. I don't know of my own direct knowledge. I would doubt it on the basis of testimony I heard he gave before the McCarran committee, the Senate Committee on Internal Security, I believe they call it, the subcommittee, rather.

Mr. TAVENNER. I believe that is a good stopping point, Mr. Chairman.

Mr. WOOD. The committee will stand in recess until half-past 2 o'clock.

(Whereupon, at 12:10 p. m., the committee recessed to reconvene at 2:30 p. m. of the same day.)

AFTER RECESS 3:15 p. m.

(The subcommittee met, pursuant to adjournment, at 3:15 p. m., Representatives John S. Wood (chairman), Morgan M. Moulder, Clyde Doyle, and Donald L. Jackson present.)

Mr. WOOD. For the purpose of the hearing this afternoon, let the record disclose that a subcommittee has been set up composed of Messrs. Moulder, Doyle, and Jackson, in addition to the chairman.

You may proceed, Mr. Tavenner.

TESTIMONY OF IRVING KAPLAN, ACCOMPANIED BY HIS COUNSEL, MILTON H. FRIEDMAN—Resumed

Mr. TAVENNER. In the course of your testimony this morning, Mr. Kaplan, you stated that you were an employee of the Pacific Gas & Electric Co. in California.

Mr. KAPLAN. Right.

Mr. TAVENNER. How long were you employed in California, and during what years?

Mr. KAPLAN. I think it was from some time toward the end of 1929 until the spring of 1935.

Mr. TAVENNER. Mr. Kaplan, with the permission of the committee, I will read to you a portion of the testimony of Max Silver, from Los Angeles, Calif., who testified in executive session before the committee on January 24, 1952. In the course of his testimony he had named various persons with whom he had attended Communist Party meetings, he himself having been a high functionary in the Communist Party.

Mr. WOOD. According to his statement.

Mr. TAVENNER. In the course of his testimony, I asked him this question:

If you can give additional information as to the time and place of any meetings that you attended with those people, we would appreciate it.

Mr. SILVER. That is a very difficult thing. Paul Perlin, at one time organizer of a branch composed of studio workers, was one of the group of people that could not be reached with the subpena for the Hollywood hearings.

Mr. Wheeler, an investigator for the committee:

I might add that he is now under subpena.

Mr. JACKSON. You reached him.

Mr. TAVENNER. Can you give us any additional information as to whether or not you attended Communist Party meetings with Mr. Perlin, and, if so, when and where?

Mr. SILVER. He participated in a number of small functionary meetings on the problems or the difficulties of the organization of that particular branch.

Mr. TAVENNER. Were you present at those meetings?

Mr. SILVER. I was present at one or more meetings where he participated and reported on the work of a particular branch.

Mr. DOYLE. Do you remember what part of Los Angeles that was in, Mr. Silver, what part of the city?

Mr. SILVER. I cannot recall.

Now, I want to ask you whether you knew Mr. Paul R. Perlin?

Mr. KAPLAN. May I consult with counsel?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Did you ever attend a meeting of any character with Mr. Paul R. Perlin?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Do you know whether or not he was a member of the Communist Party?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Are you acquainted with Elizabeth Bentley?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Are you acquainted with the fact that Elizabeth Bentley at times used the name Helen Johnson and at other times Helen Johns?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. As you probably know, she has testified before this committee that she was a member of the underground Communist group in Washington, D. C., and that she was a representative of a Soviet or Communist espionage apparatus in New York City. I say you have knowledge that she so testified, have you not?

Mr. KAPLAN. I have knowledge that she testified before the committee. I don't know about the specifics.

Mr. TAVENNER. Miss Bentley appeared before this committee on July 31, 1948, and in the course of her testimony concerning individuals in the underground Communist group with whom she had contact stated, in the course of her testimony, in answer to this question: "Are there any other members, Miss Bentley, of the Silvermaster group?" as follows:

> Let's see now. Did I mention Irving Kaplan?

The statement by the examiner was:

> You did not mention Mr. Kaplan. Where was he employed?
>
> Miss BENTLEY. He was employed in the War Production Board. He was in a very peculiar position because he was paying his dues to the Perlo group and giving his information to the Silvermaster group. Somehow the two groups got a little scrambled at that point.

Now, Mr. Kaplan, will you explain the circumstances of that statement and testimony, if that statement and testimony is true, as to how it was you were paying dues to one group of the underground apparatus in Washington while furnishing information to the other?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Was it known to you that there was an underground group of the Communist Party in the District of Columbia known as the Silvermaster group and another known as the Perlo group?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Were you acquainted with Nathan Gregory Silvermaster?

Mr KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Were you acquainted with Victor Perlo?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. Did you at any time furnish information or aid and assist in any manner in the furnishing of information directly to Miss Bentley or to any other person for her?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. There appeared before the committee a few weeks ago a witness by the name of Edward J. Fitzgerald. Were you acquainted with Mr. Fitzgerald?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. Were you at any time acquainted with Veet Bassie?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did you ever meet in a meeting with any of these individuals whose names I have just called, including the name of Harry Magdoff?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Were you acquainted with Harry Magdoff?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did you know any of these persons to have been members of the Communist Party?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Mr. Kaplan, the committee has in its possession a photostatic copy of an application for Federal employment, Civil Service Form 57, executed on May 2, 1946, by one Irving Kaplan. Will you examine it, please, and state whether or not it is a photostatic copy of the application made by you? [1]

(The witness examines the document referred to and consults with his counsel.)

Mr. TAVENNER. Will you examine the last page and the last line and see whether or not the signature appearing there is your signature, on the back?

Mr. KAPLAN. I think that is my application probably.

Mr. TAVENNER. Do you not know that it is your application and your signature?

Mr. KAPLAN. I believe it is.

Mr. TAVENNER. Well, are you satisfied that it is?

Mr. KAPLAN. That is right, sir.

Mr. FRIEDMAN. Do you want it back, Mr. Tavenner?

Mr. TAVENNER. Not just yet.

Will you look on the last page of the form, under section 23, and read the names of the individuals indicated as references by you, including their official positions?

Mr. KAPLAN. V. Frank Coe, Director, Monetary Research, Treasury Department; Harry White, Assistant Secretary, Treasury Department; A. G. Silverman, chief economist, French Purchasing Mission.

Mr. TAVENNER. Is that the same A. G. Silverman whose name you gave as a reference on the other two applications?

Mr. KAPLAN. Yes, it is.

(Representative Donald L. Jackson left the hearing room at this point.)

[1] By direction of the chairman, standard form 57, application for Federal employment, made by Irving Kaplan on May 2, 1946, has been designated, "Irving Kaplan Exhibit No. 4."

Mr. TAVENNER. This application is in 1946. The time before this when you used his name as a reference was in your application of January 6, 1942. Did you, between January 6, 1942, and the date of this application in 1946, at any time become employed in the same branch of Government work as that in which Mr. Silverman was employed?

Mr. KAPLAN. I don't believe so.

Mr. TAVENNER. What opportunity did he have to observe the character of your work and the suitability of yourself for a high office?

Mr. KAPLAN. I refuse to answer, on the ground of the fifth amendment.

Mr. TAVENNER. Did he have the opportunity to observe your work or your conduct as a Government official?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Mr. Chairman, I fail to see any possibility of self-incrimination in answering that question, and I would like for the committee to consider whether or not it should direct him to answer.

Mr. WOOD. I do not see, Mr. Kaplan, that answering the question that has been asked you could possibly incriminate you, and you are directed to answer it.

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the grounds of the fifth amendment.

Mr. MOULDER. Mr. Chairman.

Mr. WOOD. Mr. Moulder.

Mr. MOULDER. You have named five parties on that application for employment as references as to your character, is that right?

Mr. FRIEDMAN. Three, Congressman.

Mr. MOULDER. Are there three on the application, or how many?

Mr. FRIEDMAN. That is right, three.

Mr. MOULDER. Who did you say they were?

Mr. KAPLAN. They read Coe, White, and Silverman.

Mr. MOULDER. Were you acquainted with any one of those three men?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. MOULDER. Do you mean to say you placed the names of men on there with whom you were not acquainted, as references to your character and ability to obtain employment?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. MOULDER. You have answered the question by stating in writing there that those people whose names you inserted were men who could recommend you, and you take the same position to refuse to answer as to whether or not you are acquainted with them when you admit in writing, you state there in writing that you are acquainted with them.

Is Mr. Silverman a white man, do you know, or is he colored?

Mr. KAPLAN. I refused to answer with respect to knowing Mr. Silverman. I must refuse to answer this question also on the same ground.

Mr. MOULDER. As the chairman stated, I do not know how it would incriminate a man to say whether or not he was colored, or white.

That is all, Mr. Chairman.

Mr. Wood. Proceed, Mr. Tavenner.

Mr. Tavenner. How long did you know Mr. V. Frank Coe prior to your listing his name as a reference?

Mr. Kaplan. I refuse to answer, on the ground it may tend to incriminate me.

Mr. Tavenner. Mr. Coe appeared before the committee, this committee, on August 13, 1948, at which time he was asked:

Do you know Irving Kaplan?

Mr. Coe stated:

Irving Kaplan I knew first in 1939. He was assigned by another agency to make a study of the wage records of the Federal Security Agency. I saw him from time to time and later in 1944 he was employed in the Foreign Economic Administration.

Later in his testimony Mr. Coe stated:

Irving Kaplan, as I said, I first knew, I believe, in 1939, when he worked on some wage and hour figures of the Federal Security Agency, where I was employed. At that time I saw a fair amount of him. I read his reports and had to deal with him.

Was Mr. Coe's testimony on this occasion which I have recited correct, or ——

Mr. Kaplan. I refuse to answer, on the same ground.

Mr. Tavenner. Did Mr. Coe work in the same agency with you?

Mr. Kaplan. I believe he did.

Mr. Tavenner. What was his position?

Mr. Kaplan. I am not certain of that.

Mr. Tavenner. You say you believe he did. You know he did, don't you? You said you believed he worked in the same agency with you. As a matter of fact, you know he worked in the same agency with you, do you not?

Mr. Kaplan. Well, I think he worked for the Social Security Board in another branch of it entirely.

Mr. Tavenner. Speaking of the time that you were on loan from the Department of Justice to the Federal Security Agency, during that period of time, was not Mr. Coe employed by the Federal Security Agency?

Mr. Kaplan. I say I believe he worked there. I don't know what his employment was, what his post was. I can't tell you.

Mr. Tavenner. But regardless of his title or who was paying him, he worked in that agency, did he?

Mr. Kaplan. That is right.

Mr. Tavenner. How long a period of time did he work in that agency while you were there?

Mr. Kaplan. I don't know.

Mr. Tavenner. All of the time while you were there?

Mr. Kaplan. Probably.

Mr. Tavenner. I could not hear you.

Mr. Kaplan. I say probably.

Mr. Tavenner. And that was for how long a period of time?

Mr. Kaplan. Three or four months, I guess.

Mr. Tavenner. Did you work under him, or were you his superior?

Mr. Kaplan. No. We were entirely different branches of the agency.

Mr. TAVENNER. Was there no occasion in the course of the conduct of your work for you to confer with Mr. Coe or Mr. Coe with you?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. In light of your answer, I am not certain that you understood my question fully. I am asking you whether, in the performance of your official duties, you were required to confer with Mr. Coe, or Mr. Coe with you, in connection with your official duties?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Mr. Chairman, again——

Mr. WOOD. That question could not under any conceivable circumstances incriminate you in answering it, and you are directed to answer it.

Mr. FRIEDMAN. May I have a moment with the witness, Mr. Chairman?

Mr. WOOD. Yes.

(The witness consults with his counsel.)

Mr. FRIEDMAN. We have finished, Mr. Chairman.

Mr. WOOD. May I call your attention to the fact that the question asked in no sense seeks to elicit information concerning his relationship to this party except in his official capacity as an employee of this Government. I cannot conceive how an answer to that can possibly lead to any incriminating circumstances in this respect. That is why, in fairness to this committee as well as to the witness himself, I direct him to answer the question.

Mr. FRIEDMAN. May I express myself on the question, Mr. Chairman, on the subject?

Mr. WOOD. To your client.

Mr. FRIEDMAN. I have already done that.

Mr. WOOD. What is the answer?

Mr. KAPLAN. I refuse to answer, on the grounds of the fifth amendment.

Mr. TAVENNER. How long had you known Mr. Coe?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. Did you discuss with Mr. Coe the use of his name as a reference before you used him?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. Did Mr. Coe know that you were giving his name as a reference?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. Another reference named by you was Harry White. Do you know his middle name?

(The witness consults with his counsel.)

Mr. KAPLAN. I am not sure. I think it is the initial "D."

Mr. TAVENNER. Did that stand for Dexter, Harry Dexter White?

Mr. KAPLAN. I believe so.

Mr. TAVENNER. You have listed him as Assistant Secretary of the Treasury Department. That is the position that he held at the time, was it not?

Mr. KAPLAN. I think so.

Mr. TAVENNER. Did you discuss with Mr. White the use of his name?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Did Mr. White actually know that you had used his name as a reference?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did any person suggest to you or advise you to use the name of Harry Dexter White as a reference?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Mr. Harry Dexter White testified before this committee on August 13, 1948, and he was asked this question:

> Do you know Irving Kaplan?
> Answer. Irving Kaplan, yes.
> Question. How well do you know him?
> Answer. Fairly well. We used to play ball. He is not a very good player, incidentally.
> Question. Baseball?
> Answer. This was volley ball and baseball, both soft ball.

Does that correctly describe your social relationship with Harry Dexter White?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. What was the purpose of your preparation of the application for employment bearing date of May 2, 1946, which I just handed you?

Mr. KAPLAN. Please let me see it.

Mr. TAVENNER. Yes, sir.

(The witness examines the document referred to.)

Mr. KAPLAN. I believe it was in connection with transfer of employment to the guaranteed wage study.

Mr. TAVENNER. I notice, according to your application, that you enjoyed the rating of a P–8, professional grade 8. That is correct, is it not?

Mr. KAPLAN. I think so.

Mr. TAVENNER. That is the highest grade that could be given at that time under the professional rating class, was it not?

Mr. KAPLAN. I think so.

Mr. TAVENNER. Were you transferred, as a result of the filing of this application, to the Wage Scale Branch—which I think you referred to?

Mr. KAPLAN. The guaranteed wage study. I think it was in the Office of War Mobilization and Reconversion.

Mr. TAVENNER. Then you were transferred to that higher position as a result of this application?

Mr. KAPLAN. I don't think it was a higher position. I think I had the same rating at the time.

Mr. TAVENNER. Who was it that acted upon this application for transfer to this special branch?

Mr. KAPLAN. I wouldn't know who acted on the thing formally.

Mr. TAVENNER. Will you speak a little louder?

Mr. KAPLAN. I should like to consult, please.

(The witness consults with his counsel.)

Mr. KAPLAN. I am not sure who would have acted on this formally.

Mr. TAVENNER. Will you tell us the circumstances under which the transfer was initiated? Who took part in it? Who finally had to pass upon it?

Mr. KAPLAN. Mr. Murray Lattimer was the director of the guaranteed wage study, had discussed the transfer with me, and we agreed on it, and I filed the application.

Mr. TAVENNER. Did anyone speak to you about it before Mr. Lattimer?

Mr. KAPLAN. I don't recall.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. TAVENNER. How did you happen to take this matter up with Mr. Lattimer in the first place?

Mr. KAPLAN. I don't recall whether I took it up with him, or he with me. I think he got in touch with me.

Mr. TAVENNER. Mr. Kaplan, have you traveled abroad since your arrival in the United States at a very early age?

Mr. KAPLAN. Yes.

Mr. TAVENNER. When?

Mr. KAPLAN. Well, I went to Germany in 1945.

Mr. TAVENNER. Had you been abroad earlier than that?

Mr. KAPLAN. I think I have visited Canada once or twice—unless you mean by abroad, overseas. You mean out of the country, don't you?

Mr. TAVENNER. I had in mind, of course, European countries or Asiatic countries.

Mr. KAPLAN. No.

Mr. TAVENNER. South America?

Mr. KAPLAN. No, not South America.

Mr. TAVENNER. What was the occasion of your going to Germany in 1945?

Mr. KAPLAN. I went to work for the finance department of the military government, the United States military government in Germany.

Mr. TAVENNER. How did you receive your appointment to that work?

Mr. KAPLAN. There is an office in the Treasury—I think it is called, it was called Foreign Fund Control—that was recruiting people to send them over.

Mr. TAVENNER. And did you initiate your assignment to that work, or did someone come to see you about it?

Mr. KAPLAN. I really don't recall how it was initiated.

Mr. TAVENNER. You don't seem to recall how you happened to be transferred or became employed in any of these numerous Government positions.

Mr. KAPLAN. I think that is very simple. While I was with the Government, there were any number of occasions when people asked me about taking other employment. Most of them I did not care about, some of them I did, and that is how these shifts took place most of the time.

Mr. TAVENNER. Who came to see you about this particular matter?

Mr. KAPLAN. I don't recall who called me or saw me about it.

Mr. TAVENNER. In these other transfers from one Government branch to another which you have testified about, can you now recall the circumstances under which you took the assignments, any of them?

Mr. KAPLAN. Any of those you asked me about?

Mr. TAVENNER. Yes.

(The witness consults with his counsel.)

Mr. KAPLAN. I have no better recollection when you asked me about those transfers.

Mr. TAVENNER. Let me call your attention to testimony that has been produced before this committee that in many instances, people, either members of the Communist Party or acting under directions of the Communist Party and employed by the Government, were instructed to seek transfer to other Government agencies. Now, were you ever directed or counseled by any member of the Communist Party to seek transfer from one Government branch to another?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the grounds of the fifth amendment.

Mr. DOYLE. Were you ever counseled by any representative of either the Republican Committee or the Democratic Committee to seek a transfer from one department of the Federal Government to another?

Mr. KAPLAN. I don't know.

Mr. DOYLE. To your knowledge, were you ever?

(The witness consults with his counsel.)

Mr. KAPLAN. I have no knowledge of the political affiliations of many of the people who asked me to transfer.

Mr. DOYLE. That is, as to the Republicans or Democrats, I take it. How about the Communist Party? I think you have just refused to answer that on the ground it might incriminate you. How about the Republican or Democratic Party; were you familiar with any of their members that asked you to transfer or suggested that you do? Or do you refuse to answer that, on the same grounds?

(The witness consults with his counsel.)

Mr. KAPLAN. I don't know of any such persons.

Mr. DOYLE. I just wanted to see if you, in your testimony, made any difference in having any knowledge of whether or not members of the Communist Party asked you to transfer, as compared with any members of either the other political parties.

Mr. TAVENNER. How long did you remain in Germany in your assignment with the finance department of the military government?

Mr. KAPLAN. I think it was from July to the end of December, or near the end of December.

Mr. TAVENNER. What was the nature of your duties?

Mr. KAPLAN. I was an economic adviser in, first, the finance department, and then it was broken up into two departments or divisions, or whatever they were called, and I remained as an economic adviser to the division—I think it was called decartelization and something else, a long title.

(Representative Morgan M. Moulder left the hearing room at this point.)

Mr. TAVENNER. Who was your superior in your first assignment?

Mr. KAPLAN. Colonel Bernstein.

Mr. TAVENNER. What was his first name?

Mr. KAPLAN. It slips me right now.

Mr. TAVENNER. Was it Bernard?

Mr. KAPLAN. That is right.

Mr. TAVENNER. Was he in Germany at the same time you were?

Mr. KAPLAN. Yes, part of the time.

Mr. TAVENNER. Did he return to the United States before you did?
Mr. KAPLAN. Yes.
Mr. TAVENNER. Did you have any other superiors in the first position besides Colonel Bernstein?
Mr. KAPLAN. No; I don't think so.
Mr. TAVENNER. After you took over the same character of work in the group which was decartelizing organizations in Germany, who was your superior?
Mr. KAPLAN. I think it was still Bernstein.
Mr. TAVENNER. Who replaced Mr. Bernstein on his departure?
(The witness consults with his counsel.)
Mr. KAPLAN. I think the acting chief in his absence was a Mr. Nixon.
Mr. TAVENNER. Mr. Russ Nixon?
Mr. KAPLAN. That is right.
Mr. TAVENNER. How long did you serve under Mr. Russ Nixon?
(The witness consults with his counsel.)
Mr. KAPLAN. I wouldn't be sure as to just how long it was, but I would approximate about half the total time. I don't remember whether Bernstein left September or October.
Mr. TAVENNER. Did Mr. Russell Nixon have any difficulty with the administration leaders in Germany while you were there?
(The witness consults with his counsel.)
Mr. KAPLAN. I don't know of anything in particular.
Mr. TAVENNER. What rank did Nixon have?
Mr. KAPLAN. Well, as I say, he was left as acting in charge while Colonel Bernstein was away.
Mr. TAVENNER. Was he a civilian employee?
Mr. KAPLAN. I believe during that period he was.
Mr. TAVENNER. Did he have any other status at any time, to your knowledge, while he was in Germany?
(The witness consults with his counsel.)
Mr. KAPLAN. I think he was a GI before that on the same staff while I was there.
Mr. TAVENNER. With what rank?
Mr. KAPLAN. I wouldn't be sure, but it was a noncommissioned rank.
Mr. TAVENNER. Do you recall the circumstances under which Mr Nixon's relationship with the military government was terminated?
Mr. KAPLAN. You mean when he changed from military rank to civilian rank?
Mr. TAVENNER. Well, let us take that first, yes.
Mr. KAPLAN. I don't know of any special circumstance. I just know he appeared as a civilian.
Mr. TAVENNER. Were his services terminated in connection with the military government work in Germany, and, if so, do you know the reason why?
Mr. KAPLAN. I am not sure I understand the question. As I say he continued——;
Mr. TAVENNER. You say Mr. Nixon returned to the United States before you did?
Mr. KAPLAN. I think I returned first. When I returned, I think Nixon remained.

Mr. TAVENNER. Do you know anything about the circumstances of Mr. Nixon's return to the United States?

Mr. KAPLAN. May I consult on that?

(The witness consults with his counsel.)

Mr. KAPLAN. Will you repeat that question, please?

Mr. TAVENNER. Read it, please.

(The question was read by the official reporter.)

Mr. KAPLAN. I believe at the time that I returned, which was approximately the same time he did, a number of us returned because the arrangements had been made to divide the functions of this group up among other departments.

Mr. TAVENNER. Then, as I understand it, you returned and Mr. Nixon returned because your work had been divided up and assigned to other branches or departments?

Mr. KAPLAN. I returned because I considered my work was completed, and I was released.

Mr. TAVENNER. That is not quite an answer to my question. Do you mean to say that you returned and Mr. Nixon also returned because the work that you had been formerly doing had been taken away from you and had been divided up and assigned to other governmental departments?

Mr. KAPLAN. I can't speak for Mr. Nixon, I can only speak for myself. There was, during the last few months while we were there, a reorganization taking place in the military government, and I stayed until the work on which I was engaged had been assigned and was being transferred to another part of the military government. It is my understanding that a number of other people left at that time when the reorganization was being completed by transfer of functions.

Mr. TAVENNER. You are seeking to leave the impression, as I see it, that you left Germany solely because your work had been completed and that the work was being parceled out to other departments under a new plan of organization. Now, am I correct?

Mr. KAPLAN. I think that is a fair statement of it, sir.

Mr. TAVENNER. You had no other reason for leaving Germany?

Mr. KAPLAN. I can't think of any other reason. I was there only to do certain work, and I left when that work was completed and the functions otherwise assigned.

Mr. TAVENNER. How long had you known Mr. Nixon before you went to Germany?

Mr. KAPLAN. I refuse to answer, on the ground it might tend to incriminate me.

Mr. TAVENNER. Did Mr. Nixon have anything to do with your being brought to Germany?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. What was your answer?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did Mr. Nixon confer with you about going to Germany before you went to Germany?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did Mr. Nixon assist, directly or indirectly, to your knowledge, in the procurement of your assignment in Germany?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. While you were in Germany, did you take part in any way in performance of your duties in connection with the decartelization of German industry in the transfer of industry, industrial property, to Soviet-occupied territory or Soviet forces?

Mr. KAPLAN. May I consult on that?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Did your activity in connection with the transfer of industrial properties have anything to do with your returning to the United States?

(The witness consults with his counsel.)

Mr. KAPLAN. I want to adhere to my refusal to answer with respect to any activities of the kind described. But with respect to my reasons for leaving, they are the same as explained before. That had nothing to do with any such action.

Mr. TAVENNER. The committee has a photostatic copy of a message which was sent from the office of the military government in Germany, Berlin, Germany, to the War Department, dated December 10, 1945. This message was designated for the Treasury Department, for the attention of Colonel Bernstein and Harry White.[1]

I will read the message, which is as follows:

> Important Irving Kaplan be recalled immediately. Use high air priority. On Farben investigation and other matters. Treasury interest.

Will you explain the reason for the sending of that message?

(The witness consults with his counsel.)

Mr. TAVENNER. Let me withdraw that question for the moment and ask you another. According to this incoming message, under priority rating, it was stated that it was important that you be recalled immediately. That had nothing to do with the reorganization of the military government work in Germany. It is an indication that there was some reason for recalling you. Now, what was it?

(The witness consults with his counsel.)

Mr. KAPLAN. The circumstances were those in which I felt that there was nothing further that I was needed for in Germany since the reorganization was taking place. The circumstances were also that I had conducted some investigations of I. G. Farben, which were of interest to the Treasury, and the occasion for the message was both of those considerations.

Mr. TAVENNER. Then it was purely a matter of recalling you for consultation in the Treasury Department that you were being recalled and for no other reason?

Mr. KAPLAN. There was also the consideration that I felt my work was over, that I could be spared there.

Mr. JACKSON. To whom did you indicate that belief? To whom did you express yourself as desiring a return to this country?

Mr. KAPLAN. I think that was indicated to the acting director. I think it was indicated to the acting director, among others.

Mr. TAVENNER. And that was Russ Nixon?

Mr. KAPLAN. Yes.

Mr. TAVENNER. What matter was it that you reported to Russ Nixon which was of such importance that this telegram should be sent back to the Treasury Department, called to the attention of Colonel

[1] By direction of the chairman, incoming clear message dated 10 December 1945, from Office of Military Government for Germany to War Department, has been designated "Irving Kaplan Exhibit No. 5."

Bernstein and Harry White, stating that it was important that you be recalled to this country immediately?

Mr. KAPLAN. I thought the previous question was with respect to whose attention I called to the fact that I felt my stay in Germany was no longer needed. Mr. Nixon, of course, knew about the inquiries being made and all the work that was done by me and others in that department independently. It was regular reports.

Mr. TAVENNER. But you had indicated that this telegram or message was sent back because you had some important information as a result of an investigation that you had conducted, and that that was the reason for the sending of this message, if I understood you correctly. So first let us get it straight. Is that what you said, and is that the meaning you intended to convey?

Mr. KAPLAN. I said I had made certain studies and investigations of the I. G. Farben situation and that I felt that my work was over. Mr. Nixon was aware of the results of the studies that I had made and of other studies that had been made there.

Mr. TAVENNER. But that is not at all an answer.

Mr. KAPLAN. I brought to his attention that I felt that my work was over and I could be allowed to go back.

Mr. TAVENNER. But that is not at all in answer to my question as to the reason for the telegram from General Clay stating that it was important that Irving Kaplan be recalled immediately. I thought you intended to convey the meaning that it was because of some information that you had that it was thought important that you be brought back here to the Treasury Department in this country. I want to make certain that that is your view of it, if that is the correct position.

Mr. KAPLAN. I wouldn't try to assign relative weights to the two factors that were in the situation. I have described the circumstances. They included both of those factors. There was the results of a study which was of interest to the Treasury Department. There was the fact that my duties were coming to an end and there wasn't much to do.

You see, this group that we had was a part of the organization, but, to my recollection, it had never had its directive quite agreed on or completed. And we had been working without an official directive on the thing that was published at the time, but with an understanding of what our functions were. And in the course of the consideration of the reorganization, it was decided that our functions could be distributed among other parts of the military government. Once that was agreed upon, I felt that I could, without violating any responsibilities, go back.

Mr. TAVENNER. You have said that two or three times, the same thing, but you have not answered my question as to why it was that General Clay sent this message that it was important that Irving Kaplan be recalled immediately, and giving you high priority for your return.

Mr. KAPLAN. You would have to ask General Clay why he sent that message.

Mr. TAVENNER. Don't you have any idea as to what the reason was?

Mr. KAPLAN. I told you about the circumstances which I think account for why I could go and also why there was a reference to the I. G. Farben study in connection with it.

Mr. TAVENNER. The fact that you had completed your assignment would hardly call for a cablegram stating that it was important that you be recalled to this country. Your answer is not responsive to that, as I see it.

Mr. KAPLAN. The two factors that I gave you are the only ones that I know about.

Mr. TAVENNER. Let me ask you this categorical question: Do you know of any reason for the sending of this cablegram demanding or stating that it is important that you be recalled immediately?

Mr. KAPLAN. I know as one reason for why I should be recalled that my work was at an end. I know of another reason for being recalled, which may be referred to, and that is the important reason that there were results of a study of I. G. Farben that were of interest to the Treasury Department.

Mr. TAVENNER. All right, when you came back to the Treasury Department, did you bring with you a report?

Mr. KAPLAN. I did.

Mr. TAVENNER. Regarding the investigation?

Mr. KAPLAN. I did.

Mr. TAVENNER. To whom did you deliver it?

Mr. KAPLAN. To Colonel Bernstein, or Mr. Bernstein at that time; I am not sure.

Mr. TAVENNER. And that report dealt with what?

Mr. KAPLAN. Dealt with certain aspects of I. G. Farben.

Mr. TAVENNER. Who worked with you on that report?

(The witness consults with his counsel.)

Mr. KAPLAN. I don't recall who or even whether there were any others on that particular report on the end of it that I was working on.

Mr. TAVENNER. Did Richard Sasuly assist you in that report?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Did Bruce Waybur assist you in the making of that report?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Did Russ Nixon assist in the making of the report?

Mr. KAPLAN. Well, it is hard to talk about his assistance when he was acting director in charge of the group at the time.

Mr. TAVENNER. Nevertheless, did he assist you in making the report, or assist in any way in connection with making the report?

Mr. KAPLAN. I don't recall any specific assistance.

Mr. TAVENNER. Did anyone other than the persons I have mentioned, either within the Government or outside the Government, assist in the preparation of that report?

(The witness consults with his counsel.)

Mr. KAPLAN. Well, my recollection of it is that it had a good deal of statistics of I. G. Farben in it and that I had gotten those by arrangement with Colonel Pillsbury, who was then responsible for managing the I. G. Farben properties, or for the military government's control. That was a special directive for control of those properties.

I don't recall whether anyone in our division had to do any additional clerical work afterward, or not, or statistical work. I would

expect probably yes, but I don't recall who would have been available for it at the time.

Mr. TAVENNER. That report was entitled what?

Mr. KAPLAN. I don't recall any title.

Mr. TAVENNER. How can you identify this report, then?

Mr. KAPLAN. Well, if I saw it and saw the contents I could identify it.

Mr TAVENNER. Was it of a confidential nature?

Mr. KAPLAN. I don't know of anything confidential other than that the studies there were restricted as to circulation or confidential, had some classification.

Mr. TAVENNER. And you brought that back personally with you from Germany?

Mr. KAPLAN. I believe so; or it came under a ——

Mr. TAVENNER. Did you permit any unauthorized person to examine that report?

(The witness consults with his counsel.)

Mr. KAPLAN. No.

Mr. TAVENNER. You spoke of several other persons who were engaged in that work with you in Germany. What were their names?

Mr. KAPLAN. I don't recall having spoken of it. I told you I don't recall who, if anyone, was free to be assigned at the time.

Mr. TAVENNER. Just a minute. You referred to the fact that Mr. Russ Nixon came back at about the same time that you did and that others came back who were in this work. Now I am asking you who were the others?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Do you mean to state that you claim it would tend to incriminate you to advise this committee the names of other Government employees working on the same project that you were working on?

Mr. KAPLAN. I do.

Mr. TAVENNER. Mr. Chairman, I don't see the logic of it, and I would like to ask the consideration of the chairman on this point.

Mr. WOOD. I fail to see how, under any conceivable circumstances, an answer to that question could be incriminating, and I direct the witness to answer that question.

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. Was Richard Sasuly one of those who was employed in the same general type of work that you were employed on?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Was Bruce Waybur also employed on the same project?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. How many were employed on this project that you were working on?

Mr. KAPLAN. Are you talking about my project on I. G. Farben?

Mr. TAVENNER. Yes.

Mr. KAPLAN. I said before I don't recall whether anyone had to be assigned to do any of the statistical work, but it is very likely

someone did, and I have no idea how many people in Mr. Pillsbury's side of the organization had decided to come back.

Mr. TAVENNER. How about in your own organization; about how many participated in the work?

Mr. KAPLAN. I don't believe I had anyone assigned to me on that job specifically, except, of course, if there was something necessary for specific assignments in doing a particular job of calculation or compilation.

Mr. TAVENNER. Inform us a little about the organizational set-up. You said after Colonel Bernstein had left, that Russ Nixon became the acting head. How many did he have in his organization, how many persons?

Mr. KAPLAN. I have no recollection whatsoever.

Mr. TAVENNER. Well, you would have some general idea of the number. Two or three, or a hundred? Give the committee some idea of the size of the staff.

Mr. KAPLAN. More than two or three, and I think it is probably less than a hundred. But I couldn't tell you except within a wide range.

Mr. TAVENNER. Were there as many as 50?

Mr. KAPLAN. I have no idea. There may have been at some particular time and not later. I think very likely at one stage there were more than 50.

Mr. TAVENNER. You stated that the work had to be divided up, or was divided up and dispersed among other Government agencies.

Mr. KAPLAN. There were two functions that were divided up.

Mr. TAVENNER. All right, how many people were working on those two functions?

Mr. KAPLAN. I say I don't know. I was not responsible for personnel. I was an economic adviser.

Mr. TAVENNER. You know well enough the approximate number, do you not?

Mr. KAPLAN. Well, I don't know well enough the approximate number. There were some in Berlin, there were some in Frankfurt.

Mr. TAVENNER. How many in Berlin?

Mr. KAPLAN. I couldn't at this date take any kind of reasonable guess.

Mr. TAVENNER. How many were in Frankfurt?

Mr. KAPLAN. I couldn't tell you. It fluctuates over the period.

Mr. TAVENNER. Approximately what would be the number in the department of which you were a member and worked for 4 or 5 months?

Mr. KAPLAN. My work was not with personnel. My work was generally not with staff except as I needed staff. I was an adviser.

I know there was a time when in Frankfurt there were quite a large number on the investigatory end. I know that there were changes repeatedly. I couldn't at this time try to give you any kind of reasonable evaluation.

Mr. TAVENNER. Now, you recall the occasion of your leaving. How many left with you?

Mr. KAPLAN. I left alone.

Mr. WOOD. From where did you leave, from Frankfurt?

Mr. KAPLAN. Berlin.

Mr. Wood. How many did you leave there in the place at the time you left?

Mr. Kaplan. I have no idea on that because a number of people had left before, some left after. I don't know just when each one left.

Mr. Wood. Did you have an office there?

Mr. Kaplan. And there were transfers of personnel to this finance division, and I have no recollection of the exact status or how many people were there at the moment.

Mr. Wood. Did you have an office there?

Mr. Kaplan. Did I have an office?

Mr. Wood. Yes.

Mr. Kaplan. Sure.

Mr. Wood. How many people were working in your office when you left there?

Mr. Kaplan. There were people there, but there were empty offices also at that time.

Mr. Wood. But how many? Do you have any approximation as to who was in your office when you left?

Mr. Kaplan. The day I left I wouldn't have any idea how many.

Mr. Wood. Do you mean you walked out of the office and you could not give the committee an opinion about whether it was 10 or——

Mr. Kaplan. I had an office. There were other offices on the floor. I think there was no more than that one floor. Whether at the time I left half of that floor was occupied, or a quarter or three-quarters, I just don't recall. There had been shifts of people.

Mr. Wood. You do not recall whether it was 10 or a dozen or a hundred?

Mr. Kaplan. It couldn't have been a hundred. The floor wouldn't accommodate them. I had said before it couldn't be anything like a hundred. But there had been people shifted, transferred, the week or the month before, I don't remember, to one agency, one of the agencies.

Mr. Wood. Let us see if we can approach it from this standpoint: Name some of them who were there when you left, people who had been working there.

Mr. Kaplan. I refuse to answer, on the ground it may tend to incriminate me.

Mr. Wood. I will direct now that you answer the question. I just asked you to name those that you knew that were there on the project with you when you left there.

(The witness consults with his counsel.)

Mr. Kaplan. Is this question with respect to those working with me, or those who were still there or somehow attached to the division?

Mr. Wood. Those that you knew that were there when you left, employed.

Mr. Kaplan. Employed in the division?

Mr. Wood. Yes, sir.

(The witness consults with his counsel.)

Mr. Kaplan. At the advice of counsel, I am withdrawing my refusal to answer because I just can't say at this date which of the people were still there and which of the people had left and which had been transferred to other agencies by that time.

Mr. Wood. All right, why is it that you decline to answer? Is it on the ground that you do not know, or on the ground that the answer would incriminate you?

Mr. Friedman. The witness has withdrawn his refusal to answer, Mr. Chairman.

Mr. Wood. Do you now base your declination to answer on the ground that you do not remember? Is that it?

Mr. Friedman. He does not decline to answer.

Mr. Kaplan. I do not decline to answer.

Mr. Wood. Then give us an answer.

Mr. Kaplan. I cannot now identify anybody as of that date who had been transferred already to another part of the military government, one or another, or had left or had gone back to Frankfurt.

Mr. Wood. Whether they were employed or were transferred there or not, give us the names of all that you know that were there when you left.

(The witness consults with his counsel.)

Mr. Kaplan. I remember that Nixon was there, as I testified before. I think he left after I did. I remember there were other people there. With respect to any of those I remember, I cannot recall the names of them.

Mr. Wood. Not any of them at all?

Mr. Kaplan. I don't recall at this moment the name of anybody that I am certain was still there at that time.

Mr. Wood. You say you do not recall. What I want to know is whether you can recall, or not.

Mr. Kaplan. I recall that there were some people still working there, that some were left after I did, but as to who they were I do not recall.

Mr. Tavenner. Was Richard Sasuly one of them?

Mr. Kaplan. I don't recall.

Mr. Tavenner. Was Bruce Waybur one of them?

(The witness consults with his counsel.)

Mr. Kaplan. I don't recall.

Mr. Tavenner. Then, as I understand it, you came back alone?

Mr. Kaplan. That is right.

Mr. Tavenner. You did not come back with any large group who were released because of the reorganization of the work?

Mr. Kaplan. Well, I came back at the same time, approximately the same time, as a number of others. But my trip was alone. I had my own papers and I got my own reservations.

Mr. Tavenner. Then you did come back with others, did you?

Mr. Kaplan. No. I came back alone. The plane on which I came, I was the only one on, I think.

Mr. Tavenner. The committee has in its possession a photostatic copy of an interoffice communication of the Treasury Department dated December 13, 1945, which was just 3 days after December 10, 1945, when the cable was sent by General Clay stating that it was important that you be recalled immediately. This interoffice communication of the Treasury Department is from Col. B. Bernstein to Messrs. White, Coe, and Ullmann, and the copy that we have was checked to Mr. White. The message is as follows:[1]

As you know, Kaplan's name was included in the list of 25 names we requested the War Department to recall. Do you want to make a stronger specific request for his recall?

[1] By direction of the chairman, Treasury Department interoffice communication dated 13 December 1945, to Messrs. White, Coe, and Ullman, from Colonel Bernstein, has been designated, "Irving Kaplan Exhibit No. 6."

It is signed by B. Bernstein, Colonel, GSC.

Now, can you explain the reason for the inclusion of your name on the list of 25 that were to be recalled?

Mr. KAPLAN. I considered my work was over and apparently he agreed with it.

Mr. TAVENNER. What was that?

Mr. KAPLAN. I considered my work was over, and apparently he agreed with it.

Mr. TAVENNER. I am not asking you what you considered; I am asking what the reason was for placing you on the list of 25 that were being recalled.

Mr. KAPLAN. All I know is about my reasons for being placed on the list, that I considered my work was over and I wanted to be recalled.

Mr. TAVENNER. Do you know of any reason why you should be singled out as one whose recall should be expedited?

Mr. KAPLAN. Are you asking do I know of any reason why Bernstein should have considered that I should be singled out?

Mr. TAVENNER. Yes; in conformity with that message or communication. He asked the question: "Do you want to make a stronger specific request for his recall?"

Mr. KAPLAN. I presume he knew I wanted to be recalled because I considered my work over.

Mr. TAVENNER. Is that the only reason?

Mr. KAPLAN. I don't know. He may have had other considerations because of the particular work I was on. He may have felt that he wanted me back to consult with him.

Mr. TAVENNER. With whom did you confer in the Treasury Department when you returned?

Mr. KAPLAN. I reported to Colonel Bernstein.

Mr. TAVENNER. Did you confer with any other persons in the Treasury Department?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Will you repeat your answer? I could not hear it.

Mr. KAPLAN. I conferred with others, but as to the identity of them, I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Did you confer with Mr. White?

Mr. KAPLAN. I refuse to answer on the ground it may tend to incriminate me.

Mr. TAVENNER. Let me make my question plain: Did you confer on official matters with the Assistant Secretary of the Treasury, Mr. Harry Dexter White, regarding your official duties?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Mr. Chairman, I think he ought to be directed to answer it.

Mr. WOOD. Yes.

I direct you to answer that question, Mr. Kaplan.

Mr. KAPLAN. I must refuse to answer on the same ground.

Mr. WOOD. Do you so refuse to answer?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. This interoffice communication was addressed to Messrs. White, Coe, and Ullmann. Is Coe the same person whose name you gave as a reference on one of your applications for appointment to a Government position?

(The witness consults with his counsel.)

Mr. KAPLAN. Yes.

Mr. TAVENNER. Did you confer with him on your return?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Do you know whether Ullmann, whose name appears in the caption of the message, is William Ludwig Ullmann?

(The witness consults with his counsel.)

Mr. KAPLAN. I couldn't be sure.

Mr. TAVENNER. You are acquainted with William Ludwig Ullmann, are you not?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Do you know whether William Ludwig Ullmann was employed at that time by the Treasury Department?

(The witness consults with his counsel.)

Mr. KAPLAN. Yes.

Mr. TAVENNER. Did you confer with William Ludwig Ullmann on your return from Germany?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. The committee possesses a photostatic copy of a report of efficiency rating dated March 31, 1946, based on the performance during the period from July 12, 1945, to March 31, 1946, for Irving Kaplan, economic adviser.[1] How were you employed during the period covered by that report [handing document to witness]?

(The witness examines the document referred to and confers with his counsel.)

Mr. KAPLAN. I believe that was the period I was employed by the Treasury Department after my return from Germany and before my transfer to the guaranteed wage study.

Mr. TAVENNER. Who was your immediate superior?

(The witness consults with his counsel.)

Mr. KAPLAN. Coe.

Mr. TAVENNER. Who?

Mr. KAPLAN. Coe.

Mr. TAVENNER. Who signed your efficiency report?

(The witness consults with his counsel.)

Mr. TAVENNER. Is not the name Harold Glasser signed to your efficiency report?

Mr. KAPLAN. It looks like Harold Glasser, yes.

Mr. TAVENNER. Are you not satisfied that is the name of Harold Glasser appearing on your efficiency report?

Mr. KAPLAN. Well, when you mention it, I think that is consistent with the signature.

Mr. TAVENNER. How did it happen that he signed your efficiency report if Mr. Coe was your superior?

[1] By direction of the chairman, Report of Efficiency Rating, dated March 31, 1946, for Irving Kaplan, covering period from July 12, 1945, to March 31, 1946, and signed by Harold Glasser, has been designated, "Irving Kaplan Exhibit No. 7."

(The witness consults with his counsel.)

Mr. KAPLAN. I think he was assistant director at the time and presumably responsible then, formally, at any rate.

Mr. TAVENNER. Assistant to Mr. Coe?

Mr. KAPLAN. Assistant director. That is a title. I think they had several assistant directors, and he must have been responsible for the field of my work at the time, I would assume from this.

Mr. TAVENNER. Did he have any supervisory duties over your work?

Mr. KAPLAN. Well, I would assume so, from this.

Mr. TAVENNER. How long had you been acquainted with Mr. Glasser?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Was he known to you to be a member of the Perlo underground group of the Communist Party in Washington?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. This report of efficiency rating signed by Harold Glasser gives you a rating of "E" without endeavoring to classify you in any way as to the character of your work or to answer any of the questions relating to yor work, does it not?

Mr. KAPLAN. The sheet I have before me has this rating of "E."

Mr. TAVENNER. Can you explain, can you give us any reason why Harry Glasser should give you an "E" rating without giving any report upon which such a rating should be based?

Mr. KAPLAN. I have no doubts in my mind with respect to the rating. I have no knowledge as to why nothing else is filled out, or whether it had to be filled out there.

Mr. TAVENNER. Do you know of any other person who was rated in that manner by Glasser, or any other person in the Treasury Department?

Mr. KAPLAN. I haven't seen Treasury ratings before this.

Mr. JACKSON. Was Mr. Glasser in a position to observe your daily performance of duty?

(The witness consults with his counsel.)

Mr. KAPLAN. He could have had opportunity to do that.

Mr. JACKSON. My question was: Was he in a position to observe your performance of your work, to the best of your knowledge?

(The witness consults with his counsel.)

Mr. KAPLAN. Yes.

Mr. JACKSON. You came in contact with him, then, from time to time during the course of your work, did you?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. JACKSON. I think that is highly inconsistent with your previous answer. If he was in position to observe your work, it would seem to me to necessarily follow that you were in a position, in such a physical position, where he would necessarily have to come in contact with you from time to time. But you refuse to state whether or not you had any professional contact with Mr. Glasser, who gave you an "E".

Mr. KAPLAN. I refuse to state as to whether I had any associations with Mr. Glasser.

Mr. TAVENNER. The committee has in its possession a photostatic copy of a personnel affidavit, standard Form 47, which was executed

on the 11th day of February 1942.[1] I should like you to examine the signature on this photostatic copy and advise the committee whether you recognize it and identify that as your signature?

(The witness examines the document referred to and consults with his counsel.)

Mr. TAVENNER. Is that your signature?

Mr. KAPLAN. Yes, it is.

Mr. TAVENNER. Will you return it to me, please?

This is a personnel affidavit filed by you for the War Production Board. It bears the date of February 11, 1942. Do you recall filing that affidavit?

Mr. KAPLAN. I can't say specifically, but I am sure I did.

Mr. TAVENNER. This affidavit was prepared in compliance with the provisions of the Hatch Act, in which portions of the act are recited, which I will review very briefly. The act provides that:

> It is unlawful for any person employed in any capacity, by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

Then in the last paragraph, which I shall quote exactly, it states:

> I, Irving Kaplan, do solemnly swear or affirm that I have read and understand the foregoing, that I do not advocate the overthrow of the Government of the United States by force or violence, that I am not a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence, and that during such time as I am an employee of the Federal Government I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence.

Was that affidavit given by you a truthful statement at the time you gave it?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Were you a member of the Communist Party at the time you signed that application, February 11, 1942?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. KAPLAN. I refuse to answer on the same ground.

Mr. TAVENNER. Have you at any time been a member of the Communist Party, and especially from the period of February 11, 1942, until the present date?

Mr. KAPLAN. I refuse to answer, on the same grounds.

Mr. TAVENNER. The committee has in its possession a photostatic copy of an application for position filed by Mr. Edward Joseph Fitzgerald, with the Office of Production Management, on February 13, 1942.[2] Mr. Fitzgerald, as I told you earlier in your testimony, testified before this committee and indicated that he, like yourself, had been transferred from one branch of the Government or one agency of the Government to another, probably five or six times, and frequently with increases in grade.

After receiving that testimony, we have made further investigation and, as a result of that, I am producing now this photostatic copy of

[1] By direction of the chairman, standard form No. 47, Personnel Affidavit dated February 11, 1942, and signed by Irving Kaplan, has been designated "Irving Kaplan Exhibit No. 8."

[2] By direction of the chairman, application for position with Office of Production Management, dated February 13, 1942, by Edward Fitzgerald, has been designated "Irving Kaplan Exhibit No. 9."

his application for a position under date of February 13, 1942. Under section 25 of this document, Mr. Fitzgerald lists the names of five individuals who he then claimed were persons who would have knowledge of his character, experience, and ability.

The first person appearing on this list is Irving Kaplan, economist, 5315 Edmund Place NW., Washington, D. C.

Did Mr. Fitzgerald confer with you regarding the use of your name as a reference?

Mr. KAPLAN. I refuse to answer, on the grounds of amendment No. 5 of the Constitution.

Mr. TAVENNER. Have you resided at the address that I mentioned, 5315 Edmund Place NW.?

Mr. KAPLAN. I have, yes.

Mr. TAVENNER. Were you consulted about his appointment to the position that he sought?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. The name of David Weintraub also appears as one of the references. Do you have any knowledge of the circumstances under which his name was given as a reference?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Do you know whether Mr. Fitzgerald knew Mr. Weintraub?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Did you have any special interest in seeing that Mr. Fitzgerald obtained Government employment?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. You were not related in any way to Mr. Fitzgerald, were you?

Mr. KAPLAN. Do you mean family relationship?

Mr. TAVENNER. Yes.

Mr. KAPLAN. No.

Mr. TAVENNER. Did you have any other relationship with him besides family relationship?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. You sought to get him into Government service, did you not, you and some of your friends who were closely associated with you?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. I have before me a photostatic copy of a letter of May 8, 1941. It is an interoffice memorandum of the Federal Works Agency. It is addressed to Mr. Osthagen and it is from Irving Kaplan, and the subject is Edward Fitzgerald.[1] The letter reads as follows:

> Edward Fitzgerald, civil service register for economist, child labor, grade P–3, pending register for economist employment U–140, service specialist, is now on temporary appointment pending release of the above register, with Old-Age and Survivors Insurance Bureau, Social Security Board. This is the case you were going to look into at the Civil Service Commission to see how he was obtained and how we could get him.
>
> IRVING KAPLAN, *Principal Research Economist.*

[1] By direction of the chairman, Federal Works Agency interoffice memorandum dated May 8, 1941, to Mr. Osthagen from Irving Kaplan, has been designated "Irving Kaplan Exhibit No. 10."

Will you examine that letter and state whether or not you learned how the Civil Service obtained Mr. Fitzgerald?

(The witness examines the document referred to and consults with his counsel.)

Mr. KAPLAN. Your question is whether I ever——

Mr. TAVENNER. Whether you learned how the Civil Service Commission obtained Mr. Fitzgerald, in line with your statement in your letter.

Mr. KAPLAN. I don't know.

Mr. TAVENNER. Did you finally obtain his services?

(The witness consults with his counsel.)

Mr. KAPLAN. He was hired by the Federal Works Agency.

Mr. TAVENNER. Was that after the writing of that letter?

Mr. KAPLAN. Well, I don't recall, but I presume so.

Mr. TAVENNER. And it was as a result of your effort, in the main, was it not?

Mr. KAPLAN. I refuse to answer, on the ground that it may tend to incriminate me.

Mr. TAVENNER. What was your purpose in advocating the employment of Fitzgerald?

Mr. KAPLAN. I am sorry, I don't ——

Mr. TAVENNER. What was your purpose in attempting to have Fitzgerald employed by your department?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer whether I ever did make an effort to have him employed, and I refuse to answer this question, on the same ground.

Mr. TAVENNER. Were you acquainted with Harold Ware?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Charles Kramer?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Donald Niven Wheeler?

Mr. KAPLAN, I refuse to answer, on the same ground.

Mr. TAVENNER. Nathan Witt?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. TAVENNER. Was Solomon Adler employed in the Treasury Department while you were there?

(The witness consults with his counsel.)

Mr. KAPLAN. I don't know. I am not sure.

Mr. TAVENNER. Were you acquainted with Solomon Adler?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Was Norman Bursler employed by the Department of Justice while you were employed by the Department of Justice.

(The witness consults with his counsel.)

Mr. KAPLAN. Yes.

Mr. TAVENNER. Was he known to you to be a member of the Communist Party?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Were you acquainted with Alger Hiss?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Were you at any time acquainted with Jacob Golos?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. Have you met Anatole Gromov, G-r-o-m-o-v?

(The witness consults with his counsel.)

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. TAVENNER. I have no further questions at this time, Mr. Chairman.

Mr. WOOD. Mr. Doyle, do you desire to ask any questions?

Mr. DOYLE. Yes, Mr. Chairman.

When you were in the employ of the United States Government in Germany for the period of time that you stated you were so employed, did you then there confer with any members of the Communist Party of either Germany or Russia on the subject matter of their duties with the United States Government?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. DOYLE. You understood my question, did you not?

Mr. KAPLAN. I did.

Mr. DOYLE. I limited that to discussions of your official duty with the United States Government, not on personal matters.

Mr. KAPLAN. I understood that.

Mr. DOYLE. And you refused to answer, on the ground that it might incriminate you?

Mr. KAPLAN. That is right.

Mr. DOYLE. I noticed that when you were asked about travel abroad you answered, "Not in South America." Did you travel to Mexico?

Mr. KAPLAN. Well, that was—I think Mr. Tavenner was asking about Europe, he had in mind, and I had been about to say I had visited Canada and I had visited Mexico on occasions.

Mr. DOYLE. Central America?

Mr. KAPLAN. Just Canada and Mexico.

Mr. DOYLE. While you were in the employ of the United States Government, on vacation or leave?

Mr. KAPLAN. I am not sure whether I visited Canada. I don't believe I visited Canada during that period, but I did visit Mexico during that period.

Mr. DOYLE. And while you visited in Mexico on leave or on vacation while working for the United States Government, did you then confer with any members of the Communist Party?

Mr. KAPLAN. I refuse to answer, on the ground that it may tend to incriminate me.

Mr. DOYLE. I will ask you the same question relating to whether or not you conferred with members of the Communist Party in Canada while you were there?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. DOYLE. When you brought the written report from Germany, which you testified you did bring from Germany, I understood it to be an official report to the Treasury Department. Is that correct?

(The witness confers with his counsel.)

Mr. KAPLAN. May I have that question read to me again?

Mr. DOYLE. I will withdraw that. Let me reframe it.

If I understood your testimony correctly, when you came from Germany alone, you testified that you brought a written report back to the Treasury Department, did you not?

Mr. KAPLAN. That is right. It came with me.

Mr. DOYLE. I beg pardon?

(The witness consults with his counsel.)

Mr. KAPLAN. It came with me.

Mr. DOYLE. Did you bring it, or was it a matter of freight?

Mr. KAPLAN. It came with me. I don't recall whether I had it or whether it came under pouch with me. But I got it here and delivered it. It was on the plane, I think, with me.

Mr. DOYLE. You were responsible for its custody, were you?

Mr. KAPLAN. I guess so.

Mr. DOYLE. You guess so. Well, were you, or were you not?

Mr. KAPLAN. I think so; yes, sir.

Mr. DOYLE. What is your answer?

Mr. KAPLAN. I think I was; yes, sir.

Mr. DOYLE. Well, were you, or were you not? You were responsible for its custody, were you not?

Mr. KAPLAN. Yes.

Mr. DOYLE. Your answer is "yes"?

(The witness consults with his counsel.)

Mr. KAPLAN. Yes, I was responsible for its custody.

Mr. DOYLE. When you brought that official report then from Germany, I understood your testimony to be that you made the report and gave that written report to Colonel Bernstein of the Treasury Department; is that correct?

Mr. KAPLAN. That is correct.

Mr. DOYLE. Did you show that report to Mr. Ullmann, of the Treasury Department?

Mr. KAPLAN. I delivered that report to Mr. Bernstein directly without showing it to anyone.

Mr. DOYLE. Before delivering it to Mr. Bernstein or afterward, did you show that report or deliver it, in whole or part, to Mr. Coe, Mr. White, Mr. Glasser, or Mr. Ullmann?

Mr. KAPLAN. I delivered the report directly to Mr. Bernstein, who had it from then on, so far as I know, and did with it what he had to do.

Mr. DOYLE. Before you delivered it to Colonel Bernstein, did you deliver it in whole or part, or reveal its contents to anyone else?

Mr. KAPLAN. No, sir.

Mr. DOYLE. Did you reveal its contents to anyone else after you delivered it to Colonel Bernstein?

(The witness confers with his counsel.)

Mr. KAPLAN. I am not sure about what you mean by "reveal its contents." The report had been discussed in Germany with people concerned, and the report was discussed in Washington afterwards. I refuse to answer with respect to any discussions of the report we may

have had, on constitutional grounds. I was answering the question as to whether I gave the report or turned it over to anyone before I did to Mr. Bernstein. The answer is "no."

Mr. DOYLE. Which section of the Constitution do you rely on, on constitutional grounds?

Mr. KAPLAN. The fifth amendment.

Mr. DOYLE. Is that the only amendment?

Mr. KAPLAN. That is the only amendment.

Mr. DOYLE. I notice in your questioning by counsel you used the term that you had not discussed that report or shown it to any unauthorized person. Do you remember that testimony? You used the language "no unauthorized person."

Mr. KAPLAN. I think that was the form of the question.

Mr. DOYLE. No, it was not the form of the question. You used the language, sir. I made a note of it. To whom did you show it?

Mr TAVENNER. I think you are in error about that, Mr Doyle.

Mr. DOYLE. If I am in error, I apologize. My memory is not faultless. But I made a note of your language. I thought it was rather significant.

What persons, then, did you show the report to, or discuss it with, besides Colonel Bernstein? I am not asking you the contents of the report, understand, because I would judge, from what you say about it, it might have been a classified report; but with whom, besides the colonel, did you discuss it?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. DOYLE. Have you ever been an instructor in any sort of a class conducted by the Communist Party or any branch of it in the United States?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr. DOYLE. Have you ever solicited any person or persons to become members of the Communist Party in the United States?

Mr. KAPLAN. I refuse to answer, on the ground it may tend to incriminate me.

Mr DOYLE. Are you now directly, or indirectly, in the employ or on a volunteer basis in the service of the Communist Party of the United States?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. DOYLE. Have you written any articles of any kind, or are you the author, under your own name or any other name, of any articles which ever appeared in any Communist paper or publication in the United States?

Mr. KAPLAN. I refuse to answer, on the same ground.

Mr. DOYLE. What articles on economy or political economy are you the author of, if any?

Mr. KAPLAN. Well, I have prepared quite a large number of reports in the Government and in the United Nations.

Mr. DOYLE. Name us just a few of the large number, if you will, some of the more significant ones, the ones that you consider the most important that you prepared, for instance, for the United Nations while you worked for them.

Mr. KAPLAN. I prepared a part of the World Economic Report this year that is published under the title of Recent Production

Changes, or Recent Changes in Production. I was responsible for a report on world iron ore deposits that was published.

I am naming the published reports.

I was responsible for a report that was published on the technical assistance program of the United Nations and its affiliated agencies.

Mr. DOYLE. Were you in the employ of the United States of America segment in the United Nations?

Mr. KAPLAN. No. I was in the employ of the United Nations, of the Secretariat of the United Nations.

Mr DOYLE. And under whose direction? That is, if you had any superior in that work, who was it?

Mr. KAPLAN. Well, I was in the Economic Development Section, of which a Mr. Adalfo Dorfman is the chief, and that is part of the Division of Economic Stability and Development, of which Mr. Weintraub was the chief.

Mr. DOYLE. Did you resign from that work?

Mr. KAPLAN. No. As I testified, I was terminated.

Mr. DOYLE. I am sorry, I was not in the room when you apparently testified to that.

Mr. WOOD. Mr. Jackson.

Mr. JACKSON. Mr. Kaplan, did the question of your loyalty ever become a subject of or a matter for investigation during the period of time you were employed in the United States Government?

(The witness consults with his counsel.)

Mr. KAPLAN. Not specifically, that I know of.

Mr. JACKSON. Were you never called before a board or any Government agency to answer any questions such as the sort that were asked you here today?

Mr. KAPLAN. No.

Mr. JACKSON. Mr. Chairman, I have no further questions. But I think it should go into the record that all of the exhibits, the documents, and the testimony given here today, demonstrate, to me, at least, the fact that there existed in the United States Government and its agencies and departments a well-integrated, coordinated conspiracy, the members of which forwarded each other's welfare, furnished recommendations for each other and on each other's behalf. Through the entire testimony today there has been a constant repetition of names of those who have either been identified as Communist Party members, those who have transferred official documents from this Government's secret files to the Soviet Government, or those who have, without being members of the Communist Party, played the Communist Party game.

I say again they helped each other throughout this entire pattern of giving each other a boost whenever possible, furnishing recommendations. Some of the names that have been mentioned here are names of men who were high in the councils of the United States Government. Whittaker Chambers, in his book just completed, said that this conspiracy existed on a widespread scale and that it was inconceivable to him that the same functions are not being carried out today in Government.

I do not know what it is to others, but, to me it is simply treason to the United States Government.

As far as Mr. Kaplan is concerned, I am personally convinced that he was a Communist and that he undoubtedly is a Communist today.

I have nothing further, Mr. Chairman.

Mr. Wood. Do you have any further questions, Mr. Counsel?

Mr. Tavenner. Mr. Chairman, I want to get a name straight.

In reply to a question asked by Mr. Doyle, you stated, Mr. Kaplan, that an official in the United Nations who had some supervisory capacity over your work, was a person by the name of Dorfman. Did I understand that correctly?

Mr. Kaplan. Yes.

Mr. Tavenner. What was his first name?

Mr. Kaplan. Adalfo; A-d-a-l-f-o.

Mr. Wood. Is that all?

Mr. Tavenner. With the exception that I desire to offer a number of these exhibits in evidence, which I did not do at the time in order to save time. May I make a list of them and give them to you for filing?

Mr. Wood. Yes, I direct now that you do so.

Are those the exhibits that were submitted to the witness?

Mr. Tavenner. That is right.

Mr. Wood. Do you have anything further?

Mr. Tavenner. No, sir.

Mr. Wood. The committee will stand in recess until the 17th, unless sooner called together.

(Whereupon, at 5:10 p. m., the committee recessed to reconvene subject to the call of the Chair.)

METHODS OF COMMUNIST INFILTRATION IN THE UNITED STATES GOVERNMENT

MONDAY, JUNE 23, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC SESSION

The Committee on Un-American Activities met, pursuant to call, at 10:30 a. m., in room 226, Old House Office Building, Hon. John S. Wood, chairman, presiding.

Committee members present: Representatives John S. Wood, Francis E. Walter, Morgan M. Moulder, Clyde Doyle, Bernard W. Kearney, and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., assistant counsel; Raphael I. Nixon, director of research; John W. Carrington, clerk; and A. S. Poore, editor.

Mr. WOOD. Let us have order, please. Let the record show that there are present the following members of the committee: Mr. Walter, Mr. Moulder, Mr. Doyle, Mr. Kearney, and Mr. Jackson.

Who do you call, Mr. Tavenner?

Mr. TAVENNER. We would like to call Mr. Allan R. Rosenberg.

Mr. WOOD. Will you raise your right hand, please, sir. You do solemnly swear the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROSENBERG. I do.

TESTIMONY OF ALLAN R. ROSENBERG, ACCOMPANIED BY HIS COUNSEL, DAVID SCRIBNER

Mr. WOOD. Are you represented by counsel?

Mr. ROSENBERG. I am.

Mr. WOOD. Will counsel please identify himself for the record?

Mr. SCRIBNER. David Scribner, 11 East Fifty-first Street, New York City.

Mr. TAVENNER. Will you please state your name, Mr. Rosenberg.

Mr. ROSENBERG. Allan R. Rosenberg.

Mr. TAVENNER. Allan, A-l-l-a-n?

Mr. ROSENBERG. That is correct.

Mr. TAVENNER. When and where were you born, Mr. Rosenberg?

Mr. ROSENBERG. I was born in Massachusetts, Dorchester, Mass., April 21, 1908.

Mr. TAVENNER. Where do you now reside?

Mr. ROSENBERG. At 81 Pierce Road, Watertown, Mass.

Mr. TAVENNER. Are you now employed? I mean, are you self-employed or employed by others?

Mr. ROSENBERG. I am an attorney practicing law on my own behalf.

Mr. TAVENNER. Will you furnish the committee, please, with a general statement of your educational training?

Mr. ROSENBERG. Yes, sir. I was educated in the public schools of Boston, attended Boston Latin School, Harvard College, Harvard Law School.

Mr. TAVENNER. When did you complete your work at the Harvard Law School?

Mr. ROSENBERG. 1936.

Mr. TAVENNER. How have you been employed since 1936?

Mr. ROSENBERG. For approximately 9 years by the United States Government in various capacities, and since approximately the last part of 1945 in practice for myself as an attorney.

Mr. TAVENNER. The committee records indicate that in October of 1936 you took employment with the Railroad Retirement Board in Washington. Is that correct?

Mr. ROSENBERG. Well, I have no exact recollection as to the date, and it requires an explanation which I will be glad to give.

Mr. TAVENNER. Let me ask you this question first: Was that the first Government employment which you had?

Mr. ROSENBERG. That still requires an explanation, Mr. Tavenner.

Mr. TAVENNER. Very well, proceed.

Mr. ROSENBERG. I was employed by a subcommittee of the Committee on Education and Labor of the United States Senate as a volunteer, that is to say, without compensation except for expenses, from approximately—I don't remember—June or July of 1936 until, I think it was April 1937. Somewhere, I believe in October, if your information is that it is O. K., I am sure it is correct, I was placed on the payroll. I never was actually—I never worked at the Railroad Retirement Board. The Senate resolution authorizing the committee, authorized it to employ volunteer help as well as to obtain employees or assistants from the executive departments and agencies, and it was in that connection that I was technically on the payroll, I believe, of the Railroad Retirement Board. But I never worked there. My work was entirely with the Senate subcommittee.

Mr. TAVENNER. Did you receive your pay from the Railroad Retirement Board, or from some other source? I mean, were you on the payroll of the Senate investigating committee or the Railroad Retirement Board?

Mr. ROSENBERG. Well, I am sure it was the Railroad Retirement Board. But where I got the money from—I believe the check came to the Senate Office Building. But I am sure that it was from the payroll or from the appropriations of the Railroad Retirement Board.

Mr. TAVENNER. Well, I am still not clear as to how you became employed by the Government on this occasion, whether you were first employed by the Railroad Retirement Board and then assigned to the senatorial duties or whether you were first employed by the senatorial committee and put on the payroll of the Retirement Board.

Mr. ROSENBERG. Well, sir, when I first passed the bar down in Washington, I went around to any number of Government agencies looking for employment. I think the total number was 40 at the time,

in June of 1936. The Senate committee, the subcommittee, La Follette committee, had just been authorized by the Senate in the closing days of the session and I was employed, I assume I was employed, I was taken on to work and I worked for that committee from June or July, whatever the date was, on until April of 1937. And I worked for nobody else. Sometime in October or whenever the date was that you say, an arrangement was effected whereby I was put on the payroll and received a pay check. Up to that time I received traveling expenses and per diem when I was out of town. But I worked for nothing for that committee for well over 3 months as I recall it. But I worked for nobody else. That is my explanation of it. It is the best I know. There may be some other records of the technical arrangement whereby my salary was paid from an appropriation. But all I know about it, as I remember now, is what I tell you.

Mr. TAVENNER. Well, will you tell us more in detail how you were placed upon the payroll of the Railroad Retirement Board?

Mr. ROSENBERG. Well, that I don't know of my own knowledge. All I know is that I worked—I think I was the first person taken on by that committee on the staff of the committee and I was assigned various research duties and went, as I remember, once to Cleveland and was compensated by the committee, from what funds, I don't know, for traveling expenses and per diem. Somewhere in there I was told that they had managed to put me on the payroll and to go over to the Railroad Retirement Board and get sworn in.

Mr. TAVENNER. Who told you that?

Mr. ROSENBERG. Well, I actually don't remember.

Mr. TAVENNER. Well, who was your superior in the Senate investigating work?

Mr. ROSENBERG. Well, the person—I had two superiors. One of them was Robert Wohlforth. He was the executive secretary of the committee, and I was employed under the circumstances that I have described, by him, originally. There was another attorney there to whom I reported, who was the general counsel of that committee, and I suppose I was also responsible to him because my appointment, as I recall it, was that of attorney investigator and I did both. That is, I did legal work as well as investigative work for that committee.

Mr. TAVENNER. Who was the second superior to whom you refer, the general counsel of the committee?

Mr. ROSENBERG. Well, Mr. Chairman, since that man has been named by witnesses before this committee and I believe by the committee itself, I respectfully decline to answer on the grounds of my constitutional privilege not to be a witness against myself.

Mr. WOOD. What was the question that was asked?

Mr. KEARNEY. Mr. Chairman, I would like a further explanation by a question of the committee as to how the answer to the question would incriminate the witness.

Mr. WOOD. Was the question directed, Mr. Counsel, to the witness as to the identity of some person who was employed in the Government?

Mr. TAVENNER. Yes, sir. The witness has stated that he was employed by a Senate investigating committee and that he was responsible to two superiors. He has named one, and I have asked

him the name of the other, which he has declined to do, as I understand it.

Mr. ROSENBERG. May I consult with counsel?

(The witness conferred with his counsel.)

Mr. ROSENBERG. Is there a question pending, Mr. Tavenner?

Mr. TAVENNER. Well, I mean, after consulting with counsel do you have anything further to sav?

Mr. WOOD. And I direct that you answer the question. Do you adhere to your former answer or will you answer the question?

Mr. ROSENBERG. The name of my superior at the committee is—his name is John Abt.

Mr. TAVENNER. Now, will you give us the names of the other attorneys who were associated with you in the work of that committee?

Mr. ROSENBERG. Well, that is a very large order, Mr. Tavenner, because there were a number of attorneys not physically in Washington who were associated with the work of that committee, I believe.

Mr. TAVENNER. Well, let us confine ourselves to Washington first.

Mr. ROSENBERG. There was a David Lloyd, Daniel Margolis. There may have been others, Mr. Tavenner, but at the moment I have no recollection as to who they were. If you have their names I can identify them.

Mr. TAVENNER. How many attorneys were employed with you in that work by the Senate investigating committee?

Mr. ROSENBERG. Well, it was——

Mr. TAVENNER. It was known as the La Follette committee, was it not?

Mr. ROSENBERG. That is right. I am trying to recall, Mr. Tavenner. There may have been other lawyers. If so, I cannot remember them at the moment. There were perhaps lawyers working as investigators or people who were lawyers who were not doing legal work. I just don't recall any other than those two. As I say, if you have the names I will be glad, if I can, to identify them.

Mr. TAVENNER. All right. You state that after being with the La Follette committee for 3 or 4 months, you were told that you had been placed on the payroll of the Railroad Retirement Board. Who was it that told you that, and how was that arranged?

Mr. ROSENBERG. Well, as to your first question, I have no exact recollection. I just don't remember. It was one or the other of my superiors but I don't remember which.

Mr. TAVENNER. Was it John Abt?

Mr. ROSENBERG. Well, I just don't know at this time, Mr. Tavenner. I frankly cannot give you an answer of my own knowledge. I just don't remember.

Mr. TAVENNER. What was the reason for placing you on that particular Board, on the payroll of that particular Board?

Mr. ROSENBERG. I have no knowledge whatsoever. I can tell you why I was placed on the payroll, because I made enough—I had been working for that entire period, and I wanted a job. I wanted to get paid.

Mr. TAVENNER. I understand. But my inquiry was why was the Railroad Retirement Board selected as the place for you to be listed on the payroll.

Mr. ROSENBERG. I have no knowledge at all, no idea.

Mr. TAVENNER. Were there other individuals employed by the Senate committee who, like yourself, were placed on the payroll of the Railroad Retirement Board?

Mr. ROSENBERG. No.

Mr. TAVENNER. You performed no duties in connection with the Railroad Retirement Board, as I understand.

Mr. ROSENBERG. That is right.

Mr. TAVENNER. Did you meet any individuals who composed the membership of the Railroad Retirement Board?

Mr. ROSENBERG. Yes, sir.

Mr. TAVENNER. What was the occasion for that?

Mr. ROSENBERG. When I went over to be put on the payroll and be sworn in. I have forgotten the name of the gentleman in the personnel office.

Mr. TAVENNER. Who were on the Railroad Retirement Board at that time?

Mr. ROSENBERG. Do you mean the members?

Mr. TAVENNER. Yes.

Mr. ROSENBERG. I also met the chairman, a man named Murray Latimer. The other members I have no idea. I don't know who they were. When I was appointed I went over there and that is the only time I did, to be sworn in, to take the oath of office and to put my name, to give the fellow the information.

(Representative Bernard W. Kearney left the hearing room.)

Mr. TAVENNER. Were you acquainted with John Abt before you became employed by the La Follette committee?

Mr. ROSENBERG. Mr. Chairman, I am going to decline to answer that question on the ground of my privilege under the fifth amendment because this man as to whom the question was asked, Mr. Abt, has been named by the committee.

Mr. WOOD. That would be a good ground upon which to base the declination to answer, except for the fact, as I understand it, you have already identified the fact that you did know him and worked with him. I don't see how the question as to when you became acquainted with him could possibly incriminate you since it appears in the record already that you knew him and worked with him, and he was one of your superiors.

Mr. ROSENBERG. Well, if your honor please, I was asked the name of the general counsel of the committee, and I gave it. I did not, by so doing, intend to go any further than that, and I do not intend now, because of the fact that he has been named, to go into any details of my relationship at any time with him. I think that——

Mr. WOOD. Well, the question that is now before you doesn't imply that at all. It simply asks you when you first became acquainted or whether or not you knew him prior to the time you went to work there. By any stretch of the imagination, is it conceivable that that could incriminate you, in the light of the record as it stands now?

Let me say to you, sir, that this committee has no desire or intention or purpose to lead you into any field that may tend to incriminate you in the slightest degree, but I still fail to see how the answer to that question could so do.

(Witness conferred with his counsel.)

Mr. ROSENBERG. Well, Mr. Chairman, I know you don't want any legal discussion, and I don't want to engage in any. But I have, I believe, a justified apprehension that the answer to this question, in view of the nature of the inquiry that has been had by this committee, might be used as a link in a chain, and I don't want to start on something and find that I have waived my right to object. I think that going back or forward or establishing or trying to establish from me, over my objection that I desire not to be a witness against myself, would tend to accomplish that result. I am not attempting in any way to be frivolous, but very serious charges have been made, as you know, concerning Mr. Abt, and I think that it is within my rights, and I respectfully submit that I should not be required to testify against myself with respect to Mr. Abt.

(Representative Bernard W. Kearney returned to the hearing room.)

Mr. WOOD. You are conceded the right to formulate your own course of action here, with full consciousness, of course, of the consequences of it. I am sure you know that. I might say to you that I personally have become acquainted with quite a large number of people who admit to being members of the Communist Party. I have never felt the disclosure of that information on my part, that I do know them, would tend to incriminate me in the slightest degree and I fail to see how it can anyone else.

In the light of this discussion we will have a repetition of the question as to whether or not you were acquainted with Mr. Abt prior to the time that you took employment with the Senate committee. Do you still decline to answer?

Mr. ROSENBERG. I do.

Mr. WOOD. For the reasons stated?

Mr. ROSENBERG. I do.

Mr. WOOD. All right.

Mr. TAVENNER. Was Charles Kramer employed by the La Follette committee at any time, to your knowledge?

(The witness conferred with his counsel.)

Mr. ROSENBERG. Mr. Chairman, Mr. Kramer is also one of those people who have been named or charged by witnesses before this committee itself.

Mr. WOOD. With what?

Mr. ROSENBERG. Well, I think the records of the committee will show fairly extensively with what. I am not prepared to summarize or——

Mr. WOOD. This committee has never charged anybody with anything.

Mr. ROSENBERG. Well, I seem to remember reports of the committee, and perhaps erroneously, in which this man's name was mentioned unfavorably and in connection with charges of conspiracy and the like. Perhaps I am mistaken. At any rate, I am certain that charges were made by witnesses before this committee concerning this man. And rather than get into any problem as to whether or not, by saying whether this man was or was not employed at any time at which I was employed by the committee, and getting into a problem of whether or not I am waiving a privilege, I would prefer now, Mr. Chairman, to assert my privilege with respect to that question.

Mr. Wood. Well, of course, the committee is not so much concerned about the preferences as they are about what you are determined to do about it.

Mr. Rosenberg. Well, if I did not make it clear, Mr. Chairman, I desire to make it clear, for the reasons stated, that I decline, respectfully decline, to answer that question.

Mr. Kearney. Do you decline to answer a question as to whether or not Mr. Kramer was employed by the Senate subcommittee?

Mr. Rosenberg. I didn't hear you, sir.

Mr. Kearney. Read the question.

(The question was read by the official court reporter.)

Mr. Wood. The only extent to which the question went was whether or not he was employed by the committee at any time during the period of your employment.

Mr. Rosenberg. During the period that I was employed, is that what your honor said?

Mr. Wood. That is right.

Mr. Rosenberg. I so decline.

Mr. Moulder. Do you know whether or not he was employed?

Mr. Rosenberg. Well, again I don't know exactly how he was employed, and I can't answer your question technically and accurately, because I don't know the details of his employment, that is to say I have indicated in my own instance this was voluntary, uncompensated help. There were loaned employees who were loaned from other agencies and so on.

Mr. Moulder. Do you know whether or not you ever saw him in the performance of any duties in connection with the services or work of the committee?

Mr. Rosenberg. Well, on that, for the reasons that I have given, I will decline also to answer that question.

Mr. Jackson. Mr. Chairman, a few moments ago during the course of the questioning of Mr. Abt and others who were or might have been employed during the period or time Mr. Rosenberg was with the La Follette committee, the witness said "If you will ask the names of others who were so employed I will be happy to tell you." Now it develops that, probably on the first question, having to do with individuals who may have been employed at the same time, the witness refuses to answer, although the circumstances covering the case of Mr. Kramer are no different, so far as mention before this committee is concerned, than the case of Mr. Abt. It seems to me that there is considerable inconsistence in pleading that it would be incriminating to discuss any employment Mr. Kramer may have had before the committee while, upon the direction of the chairman, the witness did so identify his superior as being Mr. Abt.

I think in that connection that certainly the provisions on the waiver of immunity would seem to have been dispensed with in the case of Mr. Kramer. I would respectfully suggest that the witness again be directed to answer the question as to whether or not Mr. Kramer was, during the period of his employment, during the period of the witness' employment with the La Follette committee, employed in any capacity or present from time to time or continuously with the committee.

Mr. Wood. Well, of course, the only thing the chairman can do is to direct him to answer, which I have already done, and he declines to do it. If it isn't clear in the record that he has been so directed,

I now do direct him to answer the question. I would like to have his answer to it one way or the other, or either an answer or——

Mr. ROSENBERG. I decline for the reasons stated.

Mr. TAVENNER. I believe you stated you remained employed by the La Follette committee until April of 1937.

Mr. ROSENBERG. That is correct.

Mr. TAVENNER. Upon the termination of your employment, did you return to the Railroad Retirement Board for work?

Mr. ROSENBERG. No. I don't remember the exact date, but on April 12, at any rate, 1937, the Supreme Court handed down the five decisions involving the Johnson law firm and the other National Labor Relations Board cases, holding the National Labor Relations Act constitutional. And at that time the National Labor Relations Act began to seek out attorneys in large numbers. And somewhere around that time, whether it was April 13 or 14 or somewhere in that period, I obtained employment with the National Labor Relations Board.

Mr. TAVENNER. Were you transferred from the Railroad Retirement Board to the National Labor Relations Board?

Mr. ROSENBERG. I don't——

Mr. TAVENNER. Or was it a new appointment?

Mr. ROSENBERG. I just don't remember, Mr. Tavenner. I just don't know at all.

Mr. TAVENNER. Well, tell the committee the circumstances under which you were either transferred to the National Labor Relations Board or employed by the National Labor Relations Board. How did you go about getting the employment or the transfer, whichever is applicable.

Mr. ROSENBERG. Well, I don't remember the precise details. I know, however, that I went over to, I think it was the Shoreham Building and was interviewed by a number of people; filled out, I think I filled out a form, whatever was required I did, and very shortly after that—as I recall, it was along about the end of April, within 2 weeks or so, I think, of that April 12 date—and I was put to work right away. There was a flood of cases coming in, and I was put to work.

Mr. TAVENNER. What was the nature of your work?

Mr. ROSENBERG. I was at the outset in what was called the Review Division. Thereafter I became assistant, in about 6 months, I think, assistant to the secretary, and then I was the assistant to the general counsel, and thereafter—I was with them for about 5 years, until December of '41, and during that time I was assigned to the Baltimore office of the Baltimore regional office of the Baltimore regional board, I have forgotten whether it was 6 months or a year; I was in the Litigation Division for a period of 6 months or a year, I don't remember which, handling appellate court work, briefing, argument.

Mr. TAVENNER. How many promotions did you receive while working for the National Labor Relations Board?

Mr. ROSENBERG. I just don't remember. I think I started there at P–2, as I recall.

Mr. TAVENNER. You went there as a P–2?

Mr. ROSENBERG. I started off—I remember my first salary was a P–1, the lowest grade, a $2,000 a year salary, and then when I went

to the Labor Board I got, it seems to me, a P–2. I can't remember what grades I got. I got up to $3,800 or $4,600.

Mr. TAVENNER. And you became a P–5, a senior attorney, before leaving that position?

Mr. ROSENBERG. I guess that is when I was in litigation; yes.

Mr. WOOD. At the time you became connected with the National Labor Relations Board——

Mr. ROSENBERG. I can't hear you, sir.

Mr. WOOD. At the time you became connected with the National Labor Relations Board, you say later you became assistant to the chief counsel for that Board. Who was he?

Mr. ROSENBERG. Charles Fahy.

Mr. WOOD. I am not sure that your answer to Mr. Tavenner's question, when he asked you to give the circumstances under which you became connected with the National Labor Relations Board, was full in that you say that you went over to the Shoreham Building.

Mr. ROSENBERG. It wasn't the Shoreham Building, sir. I am mistaken. I think it was the Dunwright Building. I can't remember which building it was.

Mr. WOOD. Well, how did you find out which building it was in?

Mr. ROSENBERG. Well, I had previously—when I first came to Washington, I had previously applied for a position there. I can't remember how I found out where it was, but it was part of the business of looking for a job to find out where Government agencies were. I knew it was there; I don't know how I knew it was there. But I had gone there in my original quest for employment.

Mr. WOOD. Did you go there voluntarily or was it suggested to you by someone else?

Mr. ROSENBERG. No, sir, I went there as I did to 35 or 40 other agencies of the Government, when I first looked for employment. I just covered the field.

Mr. WOOD. I understand. I do not mean when you first sought employment. I mean after you severed your connection with the Senate committee. And you say that, following the decision of the Supreme Court upholding the constitutionality of the National Labor Relations Board, you then went over to their offices and were immediately put to work.

Mr. ROSENBERG. No; not immediately, sir.

Mr. WOOD. I understood you to say within a few days.

Mr. ROSENBERG. About 2 weeks.

Mr. WOOD. Now, on that visit did you go of your own accord or was it suggested to you by someone else that you go?

Mr. ROSENBERG. Well, it may have been suggested. I don't have any precise recollection. All I know, sir, is that everybody became aware, right after that decision of the tremendous job that that Board has to do, and that they had been operating with no appropriation, or very few employees, and that they were in the market for attorneys.

Mr. WOOD. What I am particularly interested in is who went with you from the Senate subcommittee employment similar to what you had there.

Mr. ROSENBERG. Who went with me?

Mr. WOOD. Yes.

Mr. ROSENBERG. Nobody.

Mr. Wood. Who transferred to that Board with you?

Mr. Rosenberg. From the Senate committee?

Mr. Wood. Yes.

Mr. Rosenberg. I don't recall that anybody did. It may be. I just don't recall. I know that the two lawyers that I spoke about did not. If anybody else did at that time, I have no recollection.

Mr. Wood. All right, sir.

At any time after you became employed by the National Labor Relations Board, and during the period of your employment with them, did they have in their employment at any time people who had been with you in the Senate committee?

Mr. Rosenberg. Yes; I am sure there were undoubtedly others.

Mr. Wood. Can you tell us who they were?

Mr. Rosenberg. Attorneys? I don't recall any. The only attorneys I recall are the ones whose names I have given you, and I don't think any of them were employed——

Mr. Wood. My question wasn't restricted.

Mr. Rosenberg. I understand that. I am just trying to divide it in my own mind. My recollection is that another, at least one other, not an attorney, another employee who worked for this committee, was later employed by the National Labor Relations Board. At what time I do not know. There may very well have been. Well, Mr. Chairman, it works like this. I was there for the first, whatever it was, 9 months.

Mr. Wood. I just asked you for the identity of any of them who went there during your employment there who had been with you in the Senate committee.

Mr. Rosenberg. Well, I can think now of only one other who did go, whom I knew or at least who was at the committee when I was there and worked there.

Mr. Wood. And who is that?

Mr. Rosenberg. That is the one who, again, has been charged by the committee or by witnesses before this committee, and for that reason I will decline to answer the question on the basis of my privilege.

Mr. Tavenner. Was it Charles Kramer?

Mr. Rosenberg. I decline for the reasons stated.

Mr. Wood. Was it John Abt?

Mr. Rosenberg. I decline for the reasons stated.

Mr. Wood. It could not be both of them if you did not know but one that went there.

Mr. Rosenberg. Well——

Mr. Wood. Certainly if you did not know, it certainly would not incriminate you to say so.

Mr. Kearney. Was it both of them?

(Witness conferred with his counsel.)

Mr. Rosenberg. Mr. Chairman, I have said——

Mr. Wood. I will ask you categorically again. Was it Mr. Kramer?

Mr. Rosenberg. I decline to answer.

Mr. Wood. I will ask you categorically again if it was John Abt.

Mr. Rosenberg. I decline to answer for the reasons stated.

Mr. Wood. Then I will ask you categorically if both of them went there, Abt and Kramer, to work for the National Labor Relations Board at any time while you were employed with them, if they were both there.

Mr. ROSENBERG. I will respectfully decline to answer for the reasons stated.

Mr. MOULDER. You have made reference to witnesses having charged the parties just referred to by the chairman before this committee. Would you care to tell us what you mean by having been charged?

Mr. ROSENBERG. Well, as I said, Mr. Moulder, I am not prepared to summarize or abstract or quote, but I do know that there have been numerous—well, at least one, if not more, witnesses before the committee—who have leveled charges of communism, conspiracy, and perhaps other charges against each and both of these people whom I have been asked about.

Mr. MOULDER. Did the same witnesses make similar charges against you at the same time?

Mr. ROSENBERG. I believe so.

Mr. MOULDER. At the time, then, that you did seek employment over there, were you at that time a member of the Communist Party?

Mr. ROSENBERG. Mr. Moulder, I decline to answer that question for the same reason that I have given with respect to other questions.

Mr. KEARNEY. Did you have to fill out an application for employment with the Government?

Mr. ROSENBERG. Oh, I am sure I did.

Mr. KEARNEY. Was there a question on that application concerning your affiliation with any organizations which were subversive organizations?

(Representative Morgan M. Moulder left the hearing room.)

Mr. ROSENBERG. I have no recollection of such a question.

Mr. KEARNEY. What year was it that you filled out this application?

Mr. ROSENBERG. Well, I gather from Mr. Tavenner's statement that the first one I filled out was in October of 1936.

Mr. KEARNEY. Do you know what year it was?

Mr. ROSENBERG. Well, it was in 1936 some time. It wasn't before that.

Mr. KEARNEY. There was no question on that application concerning your affiliation with any organization?

Mr. ROSENBERG. I didn't say that, sir. I don't remember any. If you have an application with that form on it, it could be. I just don't remember any.

Mr. KEARNEY. Later, Mr. Rosenberg, didn't you have to sign the so-called Hatch Act affidavit, along in 1941 or 1942, which stated in effect that you did not belong to any organization that had for its aims and objectives the overthrow of the Government by force or violence?

Mr. ROSENBERG. I don't recall precise documents that you are talking about.

Mr. KEARNEY. Well, if you did sign such an affidavit, what would be your answer?

Mr. ROSENBERG. Answer to what, sir?

Mr. KEARNEY. That question.

Mr. ROSENBERG. Which question?

Mr. KEARNEY. Well, I understand, Mr. Rosenberg, that you understand English pretty well. On the so-called Hatch Act affidavit, if you were to sign, which I assume that you did as an employee of the Government during that time, as to whether or not you belong to any

organization that had for its aims or objectives the overthrow of the Government by force or violence, what would your answer have been?

Mr. ROSENBERG. Well, I am going to decline to answer that question. I think that is the same question Mr. Moulder asked me in a different form.

Mr. KEARNEY. In other words, your little question to me, then, was entirely out of order so far as your own thoughts were concerned. You knew that you did sign such an affidavit at that time, didn't you?

Mr. ROSENBERG. I have no recollection of it. It may be that——

Mr. KEARNEY. Well, if you did sign such an affidavit, you refuse to state now what your answer was?

Mr. ROSENBERG. That is correct.

Mr. TAVENNER. Mr. Rosenberg, who was the general counsel of the National Labor Relations Board at the time you were employed there?

Mr. ROSENBERG. Mr. Charles Fahy.

Mr. TAVENNER. During the entire time?

Mr. ROSENBERG. No. Along about 1940 Mr. — perhaps it was early '41—Mr. Fahy became Assistant Solicitor General of the United States in the Department of Justice and was replaced by a Mr. Robert Watts.

Mr. TAVENNER. Who were the other attorneys who worked with the National Labor Relations Board during the period you were there?

(Representative Donald L. Jackson left the hearing room.)

Mr. ROSENBERG. Mr. Tavenner, there were about three or four hundred of them.

Mr. TAVENNER. Who was your superior?

Mr. ROSENBERG. Well, when I was in the Litigation Division, it was a Mr. Ernest Gross. When I was in the Baltimore regional office it was—the regional director of the office was a Mr. William Aker. The regional attorney was Mr. Levin.

(Representative Donald L. Jackson returned to the hearing room.)

Mr. TAVENNER. What was his first name?

Mr. ROSENBERG. Lester Levin. When I was assistant to the general counsel that was Mr. Fahy. And subsequently I think I was assistant to Mr. Watts for a brief time. I should say at that time it had to do with legislative work, hearings before the Senate and House Labor Committees, the Smith committee. When I was assistant to the secretary, I was—it seems to me that there were two secretaries that I was assistant to. As to one of them I respectfully decline to answer because he is a man who has been charged by witnesses before this committee. As to the other, who has not, to my knowledge, been so charged, his name was Benedict Wolf.

Mr. TAVENNER. Is he the same person that you referred to in the earlier part of your testimony in connection with your work on the La Follette committee?

Mr. ROSENBERG. No.

Mr. TAVENNER. Did you mention a person by the name of Wolf?

Mr. ROSENBERG. No; I don't think so.

Mr. TAVENNER. Wohlforth, I am sorry.

Mr. ROSENBERG. Wohlforth.

Mr. WALTER. When you first became assistant to the secretary, was the secretary the man's name that you decline to give us?

Mr. ROSENBERG. No. The secretary that I first became assistant to, it is my recollection, was Benedict Wolf.

Mr. KEARNEY. Was John Abt ever your superior officer in the National Labor Relations Board?

Mr. ROSENBERG. I must decline—I decline to answer that question, Mr. Kearney, for the reasons stated.

Mr. KEARNEY. The same question as it applied to Charles Kramer?

Mr. ROSENBERG. The same answer.

Mr. WOOD. Well, now, I am just trying to find out in my own mind how you reconcile those two answers. As I recall it, you testified that Mr. Abt was your superior when you were employed in the Senate committee. Is that true? Did you so testify?

Mr. ROSENBERG. I think you asked me the name of the general counsel. At any rate, whatever the question was, I gave the answer that the name was John Abt. I don't mean by that answer or by any answer I gave to provide out of my own mouth a link in any chain of evidence that could be made against me with John Abt.

Mr. WOOD. All right. You testified that he was employed in the Labor Relations Board as counsel.

Mr. ROSENBERG. I did, sir?

Mr. WOOD. That is what I understood.

Mr. ROSENBERG. That John Abt was employed? No, sir, I did not so testify. I did not testify that John Abt was employed at the National Labor Relations Board.

Mr. WOOD. I understood that in response to the question counsel asked you earlier in your testimony as to your superior officer in the Senate investigating committee, you said Mr. Abt occupied that position. Is that correct, or not correct? Am I correct in that recollection?

Mr. ROSENBERG. Well, I don't remember the exact words of the question, but whatever it was I gave the name John Abt as the name of the superior.

Mr. WOOD. It was in substance in that connection, was it not?

Mr. ROSENBERG. That is right.

Mr. WOOD. How can it be less injurious to you or less apt to hazard you to criminal prosecution to state that he was employed in the legal capacity as your superior in the Senate committee than it would in the National Labor Relations Board?

Mr. ROSENBERG. If Your Honor please——

Mr. WOOD. I just do not get the connection.

Mr. ROSENBERG. Well, I am not going to try to speculate as to what somebody might testify or use in the way of testimony that I give. I don't think that I am required to. I think my privilege protects me.

Mr. WOOD. No; you are not required. But I just want to find out why you want to be so evasive here about the identification of the man who was employed in one agency of the Government and then decline to say whether you identify him with another agency. It seems to me like it is "Tweedle-dee and Tweedle-dum" with this committee. I am sorry that you are adopting that attitude. If your acquaintance with Mr. Abt when he was a member of the staff of the Senate committee was perfectly all right and legitimate, what happened to it, that relationship with him, after he transferred away from that committee, if he did, that now prevents you from giving

the committee the full information about his connection with the National Labor Relations Board?

Mr. ROSENBERG. Mr. Chairman, you will recall that you directed me to answer after I had declined with respect to the name of John Abt.

Mr. WOOD. Well, I am going to direct you to answer this one.

Mr. ROSENBERG. I understood that I had been. And I decline to answer.

Mr. WOOD. Very well.

Mr. TAVENNER. You have stated the name of the first person to whom you were assistant, as assistant to the secretary. I believe it was Mr. Benedict Wolf.

Mr. ROSENBERG. That is my recollection. It is 15 years and I may be mistaken about it. That is my recollection now.

Mr. TAVENNER. What is the name of the second person to whom you were such an assistant?

Mr. ROSENBERG. Mr. Tavenner, I have already declined and I now decline to answer that question on the ground that that person has been charged by witnesses before this committee, and I don't want to—I want to assert my constitutional privilege with respect to that man's name.

Mr. WOOD. Well, of course the committee must also respect the constitutional privilege but we think we have to seek this information and I will now direct you to answer the question that was asked you.

Mr. ROSENBERG. I understand, Mr. Chairman, and I decline for the reasons stated.

Mr. WALTER. I believe, Mr. Rosenberg, you testified that your name had been mentioned by some witness in connecton with your membership in the Communist Party. Who was it that named you as being a member of the Communist Party, according to the information you have?

Mr. ROSENBERG. Well, from the public press, I say that a person named Elizabeth Bentley gave my name as well as a number of others.

Mr. WALTER. Do you wish to now publicly deny or affirm the testimony given by Miss Bentley?

Mr. ROSENBERG. I decline to answer with respect to that testimony, at least those parts of it that you have mentioned.

Mr. WALTER. It seems to me that you are afforded a splendid opportunity now to deny the testimony adduced from Miss Bentley. Do you not want to avail yourself of that opportunity?

Mr. ROSENBERG. Mr. Walter, I have committed no crime. I am not an agent of a foreign government. I am not guilty of a violation of the Espionage Act. However, I think that the privilege which I claim with respect to the testimony that I have just described or that you have just referred to is designed to protect me against such charges from testifying against myself. And it is for that reason that I am doing it. It is an opportunity, and, splendid or otherwise, I leave it to others to decide.

Mr. KEARNEY. Mr. Rosenberg, assuming the testimony of Elizabeth Bentley to be untrue, that is, a statement made by Miss Bentley before this committee, you have the opportunity now to declare that testimony to be untrue.

Mr. Wood. It might be a good idea, Mr. Counsel, at this point, since the witness has injected the testimony of Miss Bentley into the record, to read to the witness exactly what she did say about him, and give the witness an opportunity to affirm it or deny it, if he desires to do so. Particularly, I think it is relevant in the light of the statement that the witness has just made voluntarily to the committee.

Mr. Tavenner. Yes, sir, I will do that. While I am looking up the testimony, I would like to proceed to other questions.

Mr. Kearney. I would like to have an answer to my question.

(The witness conferred with his counsel.)

Mr. Rosenberg. Mr. Kearney, I don't think that I have to labor the point that there is an atmosphere, a climate of opinion about these questions in this country, and there has been for some time.

Mr. Kearney. Mr. Witness, I am not interested in any lecture. The only thing we are trying to do here is to get some answers from you, some truthful answers without any question of evasion. I simply ask you the question as to whether you wanted to deny or affirm the testimony of Elizabeth Bentley before this committee.

Mr. Rosenberg. And I have stated, sir, that in view of the apprehension that I am reasonably subjected to, in view of the nature of the inquiry, I decline to answer.

Mr. Kearney. In other words, you deny to state the fact that Elizabeth Bentley's testimony before this committee was untrue?

Mr. Rosenberg. I have given my answer, sir.

Mr. Tavenner. Mr. Chairman, the following is the testimony which you referred to by Elizabeth Bentley before this committee on July 31, 1948. The witness had been asked several questions relating to Victor Perlo, and then these questions follow the reference to Victor Perlo.

Mr. Mundt. Do you know where he is now?

Referring to Victor Perlo.

Mr. Stripling. We do not.

Mr. Rankin. Was he a Communist all during that time?

Miss Bentley. I would rather imagine so, Congressman, from what he told me when I met him in 1944. He told me he had been a Communist over 10 years so I imagine so.

Mr. Stripling. Did Victor Perlo turn information over to you?

Miss Bentley. Yes, he did.

Mr. Stripling. Information which had been obtained from people who were employed in the Government?

Miss Bentley. Yes. He or members of his group turned it over, yes.

Mr. Stripling. Could you name other members of his group before we go on with the Silvermaster group?

Miss Bentley. Yes. I will try to remember them. Allan Rosenberg.

Mr. Stripling. Do you know where he was employed?

Miss Bentley. Yes, he was in the FEA.

Mr. Stripling. In what?

Miss Bentley. I don't know what those initials are.

Mr. Stripling. Was it the Board of Economic Warfare?

Miss Bentley. It was originally BEW but then it became FEA, Foreign Economic Administration. It was an amalgamation, I understand, of several agencies.

Mr. Walter. May I interrupt at this point. Were you ever in the employ of FEA?

Mr. Rosenberg. Yes.

Mr. Tavenner. Then the testimony relates to various other individuals alleged to have been members of that group. Do you

desire that I read that before coming back to a discussion of Mr. Rosenberg?

Mr. WOOD. What was the question?

Mr. TAVENNER. It is a question of what I should skip here. Let me skip down to this point in the testimony—

> Mr. MUNDT. The two who were named just before Mr. Kramer, you neglected to ask if they were Communists.
> Mr. STRIPLING. Allan Rosenberg and Donald Wheeler.
> Miss BENTLEY. Yes; they were.
> Mr. MUNDT. Both of them were Communists?
> Miss BENTLEY. They were both Communists.
> Mr. STRIPLING. Can you name any other members of the Perlo group?

and then she proceeds to name additional members.

Were you a member of the Perlo group as stated and as testified by Miss Bentley in the testimony to the committee I have read to you?

Mr. ROSENBERG. I decline to answer that question on the ground of the privilege against self-incrimination.

Mr. TAVENNER. Were you one of those employees in Government who furnished information either to Victor Perlo for delivery to Elizabeth Bentley, or did you deliver information at any time directly to Miss Bentley for use by her?

Mr. ROSENBERG. I decline to answer that question or those questions on the same ground.

Mr. TAVENNER. Were you acquainted with Elizabeth Bentley?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Were you a member of the group designated by Miss Bentley in the testimony I read to you as the Victor Perlo group?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Now, returning again to the time when you were employed by the National Labor Relations Board, I would like to ask you whether or not Nathan Witt was employed in any capacity by the National Labor Relations Board while you were employed by them?

Mr. ROSENBERG. Well, I will decline to answer that question for the same grounds, because that name has also been charged by witnesses before this committee.

Mr. TAVENNER. Was Nathan Witt the secretary whose name you would not give us a few moments ago?

Mr. ROSENBERG. Well, that is the same question, isn't it?

Mr. TAVENNER. No; I don't think it is.

Mr. ROSENBERG. Well, I decline to answer that question for the same reason.

Mr. TAVENNER. When did your employment with the National Labor Relations Board cease?

Mr. ROSENBERG. Some time in December of 1941.

Mr. TAVENNER. While you were employed by the Board, did you become acquainted with a person by the name of William Pomerance?

Mr. ROSENBERG. Well, the name is familiar, Mr. Tavenner, because I assume he was an employee of the board at the time. But I have a very spotty recollection. I can't remember whether I met him personally or whether it was just a name, I just don't know.

Mr. TAVENNER. Can you tell us how he was employed by the board?

Mr. Rosenberg. Well, this is based on kind of a general knowledge of papers in the Board that I worked with. I think he was somehow or other in the Los Angeles or San Francisco office of the Board.

Mr. Tavenner. Well, that is true, at one time he was. And prior to that he was also employed by the National Labor Relations Board, according to my recollection, in New York.

Mr. Rosenberg. Where?

Mr. Tavenner. I have my facts backward. After leaving California, he was employed in the Atlanta office. Then we go back to my original statement. Prior to his being employed in California, he was employed by the National Labor Relations Board in the State of New York. Well, I am told it is still wrong.

Mr. Rosenberg. I can't help you, Mr. Tavenner, because I don't know.

Mr. Tavenner. Do you know anything about his employment in Atlanta prior to his employment in California?

Mr. Rosenberg. I have no knowledge at the moment of it.

Mr. Tavenner. Do you have any recollection of his employment in the State of New York after he was employed in California?

Mr. Rosenberg. I cannot remember anything at the moment about his employment in New York. I have some recollection that he was employed on the west coast, and I may have had correspondence or something to do with him in connection with work of the Board. But other than that I don't remember I met him.

Mr. Tavenner. Was he a field examiner?

Mr. Rosenberg. I believe so.

Mr. Tavenner. Can you tell the committee how he obtained his appointment?

Mr. Rosenberg. I have no knowledge of it.

Mr. Tavenner. Now, the committee's record shows that on December 22, 1941, you took employment with the Board of Economic Warfare, which was later known as the Foreign Economic Administration. Is that correct, as far as you can recall?

Mr. Rosenberg. Well, I don't know the precise date, but that is approximately it. It may be exactly it, for all I know.

Mr. Tavenner. Did you have any Government employment between the termination of your employment with the National Labor Relations Board and your employment by the Board of Economic Warfare?

Mr. Rosenberg. No, sir.

Mr. Tavenner. Was your employment terminated by the National Labor Relations Board or were you just merely transferred to another Government position?

Mr. Rosenberg. Well, I resigned, I think, in order to take employment with, I think it was called the Office of Economic Warfare or perhaps it was the Board of Economic Warfare. Whatever it was, I left one voluntarily to go to the other.

Mr. Tavenner. Were your services sought by the Board of Economic Warfare, or did you make application for it?

Mr. Rosenberg. I believe I made application.

Mr. Tavenner. Do you not recall that you were transferred from the National Labor Relations Board to the Board of Economic Warfare?

Mr. ROSENBERG. Well, Mr. Tavenner, I don't know how the personnel office handled those matters. It may be that that is the way they did it. All I know is that my recollection is that I wrote a letter saying I would like to resign because I wanted to take a job with another agency. How it was accomplished, I don't know.

Mr. WOOD. You certainly would not have tendered your resignation in the position you held unless you had made some arrangement to take the position in the employing agency.

Mr. ROSENBERG. That is right.

Mr. WOOD. Well, have you any recollection as to how you became interested in this Board of Economic Warfare that caused you to be willing to transfer, to resign your present position in order to go there?

Mr. ROSENBERG. Well, I had been dissatisfied with employment at the Board for some time, and I had been seeking employment in other agencies. I remember particularly I tried to get a position with the OPA, and I had applied to other agencies. When I finally landed this position with the BEW or OEW, whatever it was called at the time, I wrote a letter to somebody at the Board, I guess the Chairman of the Board, stating that I enjoyed my work there, that I was resigning. Whether that was a technical resignation sufficient to terminate an appointment, I don't know. But I didn't actually handle the papers of employment. If you say it was a transfer I have no reason to dispute you. I don't know what happened.

Mr. WOOD. Well, your services were continuous. There was no hiatus between your leaving and your accepting the other job?

Mr. ROSENBERG. That is right.

Mr. WOOD. Now, one other question that I am curious about. Why did you select particularly the Board of Economic Warfare? Was that the only place you could get another job or were you sought by somebody in that agency, or were you recommended to somebody in that agency, and, if so, by whom?

Mr. ROSENBERG. Well, I tried to obtain a position with a number of agencies. I don't remember them all at the time. This was particularly right after December 7, 1941. I wanted to get into some sort of war agency work. And my recollection is that I tried a number of places without success, and a friend of mine, an acquaintance of mine named Miller, a lawyer in private practice, recommended me to the legal department of the then Office or Board, or whatever it was, of Economic Warfare. The general counsel of the Board was a fellow named Monroe Oppenheimer. I was interviewed by him and the associate general counsel, whose name was Starr, Harold Starr, and employed. That is the only—that is my recollection.

Mr. WOOD. I gather, then, from your testimony that so far as you know the only person who commended you to that organization for employment was the private attorney named Miller?

Mr. ROSENBERG. Well, I don't know whom they might have written to.

Mr. WOOD. I asked you if that is your recollection, if that is the only man you remembered to have recommended you for that position, I mean for that employment.

Mr. ROSENBERG. That is right. I assume I gave references that were inquired of, but I never heard about that.

Mr. WOOD. Do you recall who you did give as references?

Mr. ROSENBERG. No, I don't.

Mr. WALTER. Did either Abt or Kramer recommend you for the new employment?

Mr. ROSENBERG. I will decline to answer that question for the reasons stated.

Mr. WOOD. Well, Mr. Rosenberg, how could it incriminate you if you don't remember whether they did or not, to say so, rather than to decline to answer? And you have just said that you remember no one else except Miller. Why do you want to be evasive about it when you have just said that the only person you remember now that recommended you for the new employment was a private attorney named Miller? Why do you say you refuse to answer when you are asked a direct question as to whether somebody else did it or not? Isn't that a plain evasion?

Mr. ROSENBERG. Well, I think you may have something there.

Mr. WOOD. All right. Let's get back to it and see if you are willing to answer it. Did Abt or Kramer recommend you to it?

Mr. ROSENBERG. My recollection, sir, is that nobody other than this man that I mentioned and that included the names you have just mentioned, Abt and Kramer.

Mr. WOOD. Then you will say so far as you know they did not do it; is that right?

Mr. ROSENBERG. That is right.

Mr. TAVENNER. What was the nature of your duties while employed by the Board of Economic Warfare and its successor the Foreign Economic Administration?

Mr. ROSENBERG. Well, for some period of time, the days of which I don't recall, I was employed on—I would call it odd jobs, in the general counsel's office, legislation, legislation particularly having to do with—I know it resulted finally in a proposed bill that was drafted by a number of agencies and presented to Congress, to House Ways and Means Committee and testified by a number of representatives of agencies and turned down. My recollection is that for the first period there it was odd jobs, spotty kind of employment. I was in the general counsel's office but there weren't very many things to do.

Mr. TAVENNER. Who was the general counsel?

Mr. ROSENBERG. Monroe Oppenheimer. And that agency was going through a series of transitions at that time, and every transition left chaos of a little kind in its wake. I remember that I was thinking of resigning and was unhappy about it. I have forgotten but I think part of it went over to Lend-Lease or to some other agency. They were transferring parts of it and I was thinking of going or not going, I can't remember, except that there wasn't much to do there, and I was thinking of resigning and go to another division under Mr. Max Lowenthal which had adjacent offices to mine and was not legal in nature.

Mr. KEARNEY. What was that name again?

Mr. ROSENBERG. Max Lowenthal—asked me whether I would not resign, whether I would work for that organization, and I agreed to and did. And I remained in that kind of work——

Mr. TAVENNER. What was the name or designation of that branch?

Mr. ROSENBERG. Well, I am not sure I can give it to you accurately, Mr. Tavenner, because it got reorganized. But I think it was called the Reconstruction and Reoccupation Division.

Mr. KEARNEY. Mr. Tavenner, may I interrupt you?

This Max Lowenthal that you just mentioned, is he the individual who wrote the book criticizing the FBI?

Mr. ROSENBERG. He wrote a book called The FBI, and I guess you could easily say it was critical of it.

Mr. KEARNEY. Did you read it?

Mr. ROSENBERG. I did; yes, sir.

Mr. KEARNEY. It was critical of the FBI; wasn't it?

Mr. ROSENBERG. I think so.

Mr. TAVENNER. All right. You transferred, then, to the branch under Max Lowenthal?

Mr. ROSENBERG. Well, I think, Mr. Tavenner, the way it worked—again you are in personnel details and I don't know whether I remained on the payroll of the general counsel's office for any length of time thereafter or didn't. But at any rate I stopped doing the odd jobs that I had been doing for the general counsel's office and worked in the division of whatever it was called.

Mr. TAVENNER. What was the nature of your duties while working in that division?

Mr. ROSENBERG. Well, in general it was research in connection with laws and sort of legal and economic problems that would arise in the event that the United Nations forces reoccupied or liberated areas that had been under the Axis, that is, we put out a compilation of Nazi laws that were in effect in occupied countries. We put out a compilation of the laws that the Japanese had put into effect, a translation, explanation of the laws that the Japanese had put into effect in Mongolia. We put out memoranda for whatever good they would do to anybody that wanted them, as to what the Nazi structure of price control was in occupied areas and problems that the occupation forces would meet in those areas. I remember we worked on Greece for quite a long spell of time.

Subsequently there were some sort of reoccupation manuals or guides that were put out by this group together with other agencies of the Government for the American military government. I have forgotten other duties that there may have been. But the bulk of the work consisted of the use of supervision of a number of foreign lawyers and some foreign economists who were concerned with particular areas from the point of view of assistance to the American forces and reoccupation in the military government.

Mr. TAVENNER. Now, in the performance of your duties——

Mr. ROSENBERG. I should say, Mr. Tavenner, excuse me, of course, toward the latter part of the time that I was there there was a large emphasis on Germany. But what happened was that as the occupation or the liberation went along, we went along with the countries that were involved.

Mr. TAVENNER. Was information of a secret or classified nature available to you in the performance of your duties?

(Representative Bernard W. Kearney left the hearing room.)

Mr. WOOD. Suspend for just a moment, Mr. Counsel, will you? The committee has been necessarily reduced here. Mr. Walter will have to go to the floor. Have you any idea how much longer this will continue?

Mr. TAVENNER. Yes, sir. I think we cannot finish it by the usual recess, noon recess, but we will have to go through the afternoon.

Mr. Wood. Under those circumstances I think we should take a recess until about 2:30 and then if a majority of the full committee cannot return at that time I will establish a subcommittee to continue the hearing. But since we are operating so far with the full committee as a quorum, I think it would be better for that. We just have, by reason of the absence of Mr. Kearney, who just stepped out, a reduction. The committee will stand in recess until 2:30 this afternoon.

(Whereupon, at 12 noon the committee recessed until 2:30 p. m. the same day.)

AFTERNOON SESSION

The subcommittee reconvened at 2:43 p. m., Representatives John S. Wood, Francis E. Walter, Morgan M. Moulder, Clyde Doyle, Bernard W. Kearney (appearance as noted in the record), and Donald L. Jackson, were present; Mr. Wood, chairman, presiding.

Mr. Wood. Let us have order, please, and let the record show that there are present members of the committee, Messrs. Walter, Moulder, Doyle, Jackson, and Wood.

You may proceed, Mr. Tavenner.

TESTIMONY OF ALLAN R. ROSENBERG, ACCOMPANIED BY HIS COUNSEL, DAVID SCRIBNER—(Resumed)

Mr. Tavenner. If I properly understand your testimony, Mr. Rosenberg, you were given a P–6 rating at the time that you were transferred to the FEA?

Mr. Rosenberg. I don't know what you mean by P–C, sir.

Mr. Tavenner. I said a P–6.

Mr. Rosenberg. P–6?

Mr. Tavenner. P–6 grade, yes.

Mr. Rosenberg. If the record shows that; I don't remember.

Mr. Tavenner. Then after you were there a while, you were given an increased rating, were you not?

Mr. Rosenberg. I believe so.

Mr. Tavenner. Which raised you to a P–7?

Mr. Rosenberg. I believe so, yes.

Mr. Tavenner. The information that I have is that on February 22, 1944, you were given a P–7 rating.

Mr. Rosenberg. February 22?

Mr. Tavenner. Yes.

Mr. Rosenberg. Well, I don't remember the date, but I remember that there was quite a long time elapsed between the time that I was employed by that agency in December '41 before I got any increase at all. I think that is true.

Mr. Tavenner. When you held your P–6 rating, you were the principal economic analyst, that was your title, was it not?

Mr. Rosenberg. I have no recollection now, Mr. Tavenner. I know what I did, but I don't know what it was called.

Mr. Tavenner. And then you were given the title of Chief of Section, Bureau of Areas, Liberated Areas Branch, when you were increased to grade P–7?

Mr. Rosenberg. Mr. Tavenner, if you have that information, I am sure I have no dispute with it. All I know is that that thing

changed around and got some different names, and I couldn't, of my own knowledge, now tell you what it was. It was OEW, BEW, FEA, and then there were reorganizations within it, and I just don't remember it. If you have it, I am sure it is right.

Mr. TAVENNER. Prior to your increase in grade to P–7, do you recall whether or not you were recommended for the increase on December 22, 1943, by Mr. Max Lowenthal, at which time you were to be given the title of Chief of the Balkan Section in the Division of the FEA?

Mr. ROSENBERG. I don't remember now, but it would not surprise me. I just don't know. As I indicated before, I did work on Greece at that time, and while I don't have the dates in mind, this sounds about right.

Mr. TAVENNER. Then were you not increased in grade to P–8 on December 9, 1944, at which time you were given the title of chief of staff, Bureau of Areas?

Mr. ROSENBERG. I am sure I wasn't a chief of staff of the Bureau of Areas, that I am certain of, Mr. Tavenner. I could have been called something else, but not chief of staff of the Bureau of Areas.

Mr. TAVENNER. Am I correct in stating that on December 9, 1944, you were increased in grade to P–8?

Mr. ROSENBERG. Well, I will accept your word for it. I just don't remember it.

Mr. TAVENNER. How was that increase in grade obtained by you? On whose recommendation was it made?

Mr. ROSENBERG. My recollection is that the people who were in charge of the Bureau of Areas—I cannot be certain of who they are now—but I think it was a man named McCamy, James McCamy, or perhaps it was someone else named Arthur Paul who recommended me for that increase. Whether it was that one—I think it was around that time, I am not sure just when it was.

If you have records, Mr. Tavenner, I——

Mr. TAVENNER. I have before me advice of personnel action which is a memorandum issued by the Foreign Economic Administration.

Mr. ROSENBERG. Yes. If it shows——

Mr. TAVENNER. Showing that your position was at that time chief of section, Chief Economic Institutions Staff.

Mr. ROSENBERG. That sounds more like it; not chief of staff of the Bureau of Areas. As I recall it, the Bureau of Areas was a very large part of the organization, comprising many divisions, branches, and sections.

Mr. TAVENNER. Now, when you received your increase in grade to P–8, in December 9, 1944, your title, according to a report from the Personnel Section was that you were chief of staff, Bureau of Areas, German Branch. Is that correct?

Mr. ROSENBERG. I don't think so.

Mr. TAVENNER. I hand you the sheet which reflects the personnel action, and ask you to refresh your recollection by examining it.

Mr. ROSENBERG (after consulting document). This is a request for personnel action. I see it says "present status."

Well, it says: "Office of the Chief, Economic Institutions Staff Division, FEA, Bureau of Areas, Liberated Areas Branch."

As I recall it, that takes you down the hierarchy to somewhere where I was.

Mr. TAVENNER. But does not the form show that you were chief of staff, in the left-hand margin?

Mr. ROSENBERG. It says the title of that was chief of staff in the FEA, in the Bureau of Areas, the Liberated Areas Branch in the Division called Economic Institutions Section in the Office of the Chief. That is to say, I was the chief of staff within a division, within a branch, within an area, within a department. If you put me up on top as the chief of staff, as if it were the Pentagon Chief of Staff, you are under a misapprehension.

Mr. TAVENNER. You held the office described in that personnel sheet?

Mr. ROSENBERG. That is right.

Mr. TAVENNER. On whose recommendation were you appointed to that position?

Mr. ROSENBERG. Mr. Tavenner, I will do my best to try to recall for you. Mr. Lowenthal left the agency. At that time, Mr. Wallace, I believe, was in charge of the agency, and he left the agency. A new administrator was appointed, and I believe, if I am not mistaken, that there were four new heads of a branch, of the branch that I was in, one after the other. I don't remember their names. Somewhere in the course of this reorganization, I was appointed—whether at that time or earlier, I don't remember—but the head of this staff within the section, within the division, within the branch and so on, up and down the hierarchy. And my recollection was that whoever was head of the Bureau of Areas at that time—and I think it was either Arthur Paul or McCamy, it might have been somebody else, but I have no direct recollection now. If you have any information on that, I couldn't question it.

Mr. TAVENNER. You were transferred on December 9 to the German Branch of that Section, were you not?

Mr. ROSENBERG. Well, it could be, Mr. Tavenner. My impression is that the German Branch was something that was in the process of being set up.

Mr. TAVENNER. Will you look at the personnel report and state whether or not it shows that you were assigned to the German Branch?

(Representative Bernard W. Kearney entered the hearing room at this point.)

Mr. ROSENBERG. It says: "Proposed status." I don't know whether that branch was ever set up. I can't remember. It does not say that there is one, it says "present status," and gives it as I have testified, then it says "proposed status."

Now, if you have some action showing that that proposal did go into effect——

Mr. TAVENNER. Were you promoted to P–8 with an assignment to the German Branch?

Mr. ROSENBERG. I think that present status is P–8, there, isn't it? Or I misunderstood it.

Mr. TAVENNER. Yes, it is P–8. But were you not assigned to P–8 in the German Branch?

Mr. ROSENBERG. I am saying, sir, I don't know whether a German Branch was ever in fact created. I know that there was a problem about it, but I can't remember what it was.

Mr. TAVENNER. Our information is that on September 9, 1945, you were reassigned to the position of Division Chief, Bureau of Areas, European Branch, Eastern European Division, with a rating of CAF–15.

Mr. ROSENBERG. That is September 9, 1945?

Mr. TAVENNER. 1945.

Mr. ROSENBERG. If your record shows it, it is possible, but I left the Government in September of '45 and I have no recollection of that change.

That is an increase in pay?

Mr. TAVENNER. I will hand you the personnel records signed by K. O. Warner, which shows grade and salary of P–8, $8,750 per annum to CAF–15 with the same salary per annum.

Will you state whether or not, after examination of that if it refreshes your recollection and that you now recall that you were the Division Chief of the Bureau of Areas beginning September 9, 1945?

Mr. ROSENBERG (after consulting document). I am looking for that date, sir. Effective date September 9, 1945. This is dated September 10, 1945.

Well, I have no desire to quibble about that. All I am saying is that I left the Government in the month of September of 1945. Apparently there was no increase in salary. I recall that. And that agency was in the process of such constant reorganization that I just don't remember now, and I doubt that it was altogether clear then what they were calling people or what the branches or bureaus or divisions or sections were.

Mr. TAVENNER. During the period of time that you held these various positions in the Foreign Economic Administration, did you have access to secret and classified material?

Mr. ROSENBERG. Yes.

Mr. TAVENNER. Did you at any time give any of such material, either secret or classified, to Victor Perlo or any other person for delivery to Elizabeth Bentley?

Mr. ROSENBERG. Well, I decline to answer that question for the reasons that I have already stated.

Mr. TAVENNER. Did you give any classified or secret material to any unauthorized person?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Do you recall when you first became employed with the National Labor Relations Board whether you were required to obtain approval from the Board of Legal Examiners?

Mr. ROSENBERG. I don't recall.

Mr. TAVENNER. That is, for your appointment.

Were you acquainted with Mr. Herbert Wechler, executive secretary of the Board of Legal Examiners?

Mr. ROSENBERG. I knew the name. I may have met him, but I had no personal dealings with him that I recall.

Mr. KEARNEY. Two questions were asked by counsel, that, to my mind, are very, very serious questions, whether or not you ever gave any secret or classified information to certain individuals or any unauthorized persons.

I understood from you that your answer is that you refused to answer?

Mr. ROSENBERG. That is correct, sir. I regard them as serious questions also.

Mr. KEARNEY. I am glad that you do regard them as serious questions.

Mr. WALTER. What was the type of information that was available to you that was confidential? What did it relate to?

Mr. ROSENBERG. Well, I suppose that—first of all, I have no specific recollection of the contents of any particular document, but my recollection of the general type of material is that it had to do with, well, for example, copies of laws that were put into effect by the Nazis in occupied areas, and the Japanese as well.

Mr. WALTER. What was confidential about that?

Mr. ROSENBERG. I don't know, except that somebody had stamped it "Confidential"

The structure of the price control, the laws and structure of the price control institutions.

If you will recall, Mr. Walter, I was connected with something called Economic Institutions Staff, and that dealt with economic institutions and the laws governing them of the areas occupied by the enemy. And my concern or the concern of that job that I had at that time was in that connection. It was writing legal memoranda and based on information as to what was in effect in those areas at that time. That is typical of it, although I am sure there are other things.

Now, it did happen that they were marked "classified" in some way or other when they came to me, or some of them were, and I would not say that there were none that were not marked that way. That is the general type of information I was concerned with, that was available to me.

Mr. KEARNEY. Did I understand you to say that the price control laws were marked "Secret" and "Confidential"?

Mr. ROSENBERG. Oh, yes.

Mr. KEARNEY. Of other countries?

Mr. ROSENBERG. That is right.

Mr. TAVENNER. Did you receive information from the military governments of various European or other countries?

Mr. ROSENBERG. Would you make that more specific?

Mr. TAVENNER. Yes. Did you receive information from the United States military government located in foreign countries, Europe and other places?

Mr. ROSENBERG. No; not that I am aware of. It is possible that it came that way without my knowing it, but I am certain it worked the other way around.

Mr. KEARNEY. What could have been so confidential and secret about the price-control laws of other countries?

Mr. ROSENBERG. Mr. Kearney, I did not classify it that way. I just don't know.

Mr. KEARNEY. I thought maybe you could give me an answer.

Mr. ROSENBERG. The only answer I have, sir, is that there were various people who had rubber stamps marked "secret" and "confidential," and so on, and why they used them on documents, I just don't know. All I know is that this is the kind of work I did in a general way as I described it. It was based on information as to what was going on in enemy occupied areas. I was concerned with economic institutions and a typical one is price control. But there

are all kinds of them, wage controls, labor controls, various kinds of institutional controls, comparable to some of those that we had in this country during the war. And there were problems that were faced by occupying authorities as to what to do about them, and they were asking for information. It was transmitted down the line, down the hierarchy to the group I was working with. On the basis of what came through to us it was marked.

Mr. KEARNEY. By the time it got down to the lower echelon, somebody used a rubber stamp on it?

Mr. ROSENBERG. I can't guarantee; I don't know who put the stamp on it. I know that some of the stuff which seemed to me in any sensible view of it not to be confidential was marked. In fact, there was a rubber stamp I had in my drawer marked "secret." If somebody wanted to stamp secret on a piece of paper, I couldn't stop them. But as far as I know, there was nothing in the type of thing I mentioned that would have any military nature about it.

Mr. DOYLE. Did you ever stamp any papers secret with the rubber stamp that you had?

Mr. ROSENBERG. I am sure I did. If I was given a stamp I was given it for some purpose. I know I stamped a memo pad on my desk as a joke. I don't recall having myself done it.

Mr. DOYLE. It was not up to you to decide in your position what should be marked "secret" or what should not?

Mr. ROSENBERG. No.

Mr. DOYLE. Did Miss Bentley ever call at your office?

Mr. ROSENBERG. I decline to answer that question as I do all questions about Miss Bentley.

Mr. DOYLE. I mean during office hours.

Mr. ROSENBERG. I decline to answer that question.

Mr. DOYLE. Did Miss Bentley or any other person who has since admitted they were Communists, and that you know have admitted they were Communists, ever receive from you any of these papers, either directly or indirectly, that were marked "secret" or "classified"?

Mr. ROSENBERG. I decline to answer that question for the reasons stated.

Mr. DOYLE. Did you ever teach any classes in anything after you graduated from Harvard Law School?

Mr. ROSENBERG. I don't recall any, sir.

Mr. DOYLE. Any classes of any kind, whether there was any tuition paid or not, on a voluntary basis?

Mr. ROSENBERG. I don't recall doing so.

Mr. DOYLE. Did you teach any educational classes?

Mr. ROSENBERG. I don't recall having done so.

Mr. DOYLE. Thank you.

Mr. TAVENNER. Were you acquainted with Edward J. Fitzgerald, who was formerly an employee of the War Production Board?

Mr. ROSENBERG. I decline to answer that question on the same ground. He was one of those persons named before the committee, as I remember it.

Mr. TAVENNER. By Miss Bentley?

Mr. ROSENBERG. I believe so.

Mr. TAVENNER. Were you acquainted with Harold Glasser?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Solomon Lischinsky?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Harry Magdoff?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Were you acquainted with Donald Niven Wheeler?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Were you acquainted with Abraham George Silverman?

Mr. ROSENBERG. The same answer, if that is the name of the man who has been named before this committee.

Mr. TAVENNER. Did Abraham George Silverman ever assist you in obtaining a Government position or an increase in grade while in the Government?

Mr. ROSENBERG. I decline to answer for the same reason, if that is the same one who has been named before this committee.

Mr. TAVENNER. Have you ever given him as a reference for employment with the United States Government or an increase in position?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Within the government?

Mr. ROSENBERG. The same answer.

Mr. JACKSON. Do you know the individual in question here?

Mr. ROSENBERG. The same answer; I decline to answer that question, sir.

Mr. MOULDER. After your graduation from Harvard Law School, did any member of the faculty at Harvard Law School suggest you seek employment here in Washington?

Mr. ROSENBERG. I don't recall, I don't think so.

Mr. TAVENNER. When you first became employed by the La Follette committee and were placed on the payroll of the Railroad Retirement Board, did you receive assistance in any manner from Abraham George Silverman?

Mr. ROSENBERG. I decline to answer that question for the same reason.

Mr. TAVENNER. Were you acquainted with Solomon Adler, who was employed at one time by the Treasury Department?

Mr. ROSENBERG. If that is the Solomon Adler who has been named before this committee, I will decline to answer on the grounds of my privilege.

Mr. WOOD. If it was the Solomon Adler named before this committee, would you answer?

Mr. ROSENBERG. Did you say Simon Adler?

Mr. WOOD. Solomon.

Mr. ROSENBERG. If it were not, then I would answer that I do not know him.

Mr. TAVENNER. Is it your answer that you do not know a person by the name of Solomon Adler?

Mr. ROSENBERG. No, I didn't say that; at least I didn't mean to.

Mr. TAVENNER. I may have misunderstood your answer. What did you say?

Mr. ROSENBERG. I said I would decline to answer whether I knew Solomon Adler who was named before this committee. Now, the name, Solomon Adler, is a somewhat common name.

Mr. WOOD. Let me ask you if you know any Solomon Adler who was not named before the committee?

Mr. ROSENBERG. I said I don't know any. I don't think I know any.

Mr. WOOD. Did you say you don't know any others?

Mr. ROSENBERG. I say I don't think so.

Mr. KEARNEY. The only Solomon Adler you knew, then, was the one named before the committee?

Mr. ROSENBERG. You may say so, sir, but I decline to answer.

Mr. TAVENNER. Were you acquainted with Norman Bursler, employed by the Department of Justice?

Mr. ROSENBERG. I decline to answer that question for the same reason.

Mr. TAVENNER. Were you acquainted with Frank Coe, who was at one time Assistant Administrator for the Foreign Economic Administration?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Did you ever give Lauchlin Currie as a reference in obtaining a Government position?

Mr. ROSENBERG. I have no recollection.

Mr. TAVENNER. Mr. Lauchlin Currie, in 1943 and '44, was Deputy Administrator of the Foreign Economic Administration.

Mr. ROSENBERG. I would very much doubt it. I don't know for certain, but I doubt it very much.

Mr. TAVENNER. Did he assist you in any manner, to your knowledge, in obtaining a Government position or an increase in grade within the Government?

Mr. ROSENBERG. Well, if so, I am not aware of it.

Mr. TAVENNER. Were you acquainted with Lauchlin Currie?

Mr. ROSENBERG. He was in the agency when I was there. I knew he was there.

Mr. TAVENNER. Did you know him personally?

Mr. ROSENBERG. I had a meeting with him in connection with official business, but I had no other dealings with him except that.

Mr. TAVENNER. What was the occasion for your meeting with him?

Mr. ROSENBERG. Well, sir, it was that same business of reorganization. As far as I can make out, the people in charge of that organization, they were there primarily to reorganize it, and this was going on every day. People would want suggestions or would meet in connection with questions of reorganization. Those questions, I think, may have had to do with some of the work I was doing one way or another, but he was, as I remember it, deputy chief of the whole organization which had many branches and many functions, and I was four or five steps down in a smaller outfit in one of the branches in the hierarchy.

Mr. TAVENNER. Were you acquainted with Bela Gold, sometimes known as Bill Gold?

Mr. ROSENBERG. I have no specific recollection of that name, sir.

Mr. TAVENNER. Were you acquainted with William Taylor, a former employee of the Treasury Department?

Mr. ROSENBERG. Can you tell me whether he was named before this committee?

Mr. TAVENNER. Yes, he was.

Mr. ROSENBERG. In connection with some subversive, communistic——

Mr. TAVENNER. He was mentioned by Elizabeth Bentley as a member of the Silvermaster group——

Mr. ROSENBERG. I would decline to answer.

Mr. TAVENNER. Of the underground apparatus of the Communist Party in the District of Columbia?

Mr. ROSENBERG. I decline to answer that question for the reasons previously stated.

Mr. TAVENNER. Were you acquainted with William Ludwig Ullmann, U-l-l-m-a-n-n?

Mr. ROSENBERG. I decline to answer that question for the reasons stated.

Mr. TAVENNER. All of these persons whose names I have asked you about, in addition to Abraham George Silverman, have been identified by Miss Bentley as individuals composing the Silvermaster group from whom she alleged she obtained information.

Mr. ROSENBERG. I was not aware of the fact that this Gold person had been named. I just don't remember that.

Mr. JACKSON. Do you mean you did not know him?

Mr. ROSENBERG. I don't recall having known him.

Mr. TAVENNER. Were you acquainted with his wife, Sonia Gold?

Mr. ROSENBERG. I have no recollection of ever having known either of them.

Mr. DOYLE. Are there any members of that group whose names were not read that you knew of as being in that group and having been testified to by Miss Bentley?

Mr. ROSENBERG. I decline to answer as to knowledge of any of those people who were named by Miss Bentley or whoever in that connection before the committee, and I so decline to answer your question.

Mr. DOYLE. Of course, I cannot help, as I sit here and listen to you, a brilliant lawyer, which apparently you are, active and successful in practice, I cannot help as I sit here and listen to you but realize that you must have read these names some place as having been testified to by Miss Bentley.

Would you tell me where you read the list of names?

Mr. ROSENBERG. Oh, yes; the Journal American.

Mr. DOYLE. The what?

Mr. ROSENBERG. The Journal American, as I recall it, in New York City, published the text of at least part of Miss Bentley's testimony back in 1948.

Mr. DOYLE. Do you remember having read it back in 1948?

Mr. ROSENBERG. Well, it has come up, I guess, from time to time elsewhere in the public press.

Mr. DOYLE. Where else have you seen it since 1948?

Mr. ROSENBERG. I cannot tell you exactly. I was very much interested in 1948 when the testimony was given because my name was mentioned there, and I read the testimony given in that connection. I don't say that I have read it all, because I don't know whether I have read it all or not.

Mr. DOYLE. Do you read the People's World, regularly?

Mr. ROSENBERG. No.

Mr. DOYLE. Or the Daily Worker?

Mr. ROSENBERG. No.

Mr. DOYLE. Do you subscribe to any papers edited by the Communist Party, directly or indirectly, and read them?

Mr. ROSENBERG. I am sure I haven't.

Mr. DOYLE. Do you read those papers?

Mr. ROSENBERG. You will have to be more specific. I don't know what you mean. When you are talking about papers I subscribe to, I don't think so, in a general way, but I don't know what you have in mind.

Mr. DOYLE. Did you?

Mr. ROSENBERG. Did I what?

Mr. DOYLE. Did you formally subscribe to any of them?

Mr. ROSENBERG. I have no recollection of ever having subscribed, if you are talking about the specific paper of People's World.

Mr. DOYLE. Let me be frank with the witness. You are a lawyer and so am I. As I sit here and listen to you, I have wanted to ask you this question, and I do not think you have answered it: Are you a Communist now?

Mr. ROSENBERG. I decline to answer that question, sir, on the grounds that I have previously stated.

Mr. DOYLE. Were you ever a Communist, a member of the American Communist Party?

Mr. ROSENBERG. The same answer.

Mr. KEARNEY. You say that you read in 1948 in the Journal American——

Mr. ROSENBERG. I believe so.

Mr. KEARNEY. That Miss Bentley used your name, when she testified before this committee.

Did you offer any protest at that time, or since then, to the use of your name before the committee in connection with her testimony?

Mr. ROSENBERG. No, sir.

Mr. WOOD. While you were on the European Continent, did you ever get acquainted with a French nationalist by the name of Jacques Duclos?

Mr. ROSENBERG. What?

Mr. WOOD. Duclos.

Mr. ROSENBERG. Duclos?

Mr. WOOD. Yes.

Mr. ROSENBERG. No, sir.

Mr. WOOD. Did you ever have an acquaintance with a German nationalist by the name of Gerhart Eisler?

Mr. ROSENBERG. No, sir.

Mr. WOOD. You are aware of the fact that both of those men's names have been frequently used before this committee?

Mr. ROSENBERG. I have seen those in the paper.

Mr. TAVENNER. Were you aware of the fact that there was a group known as the Silvermaster group, or a group of persons who met with Silvermaster on Communist Party matters?

Mr. ROSENBERG. I decline to answer that for the same reason.

Mr. TAVENNER. Have you ever been in the home of Nathan Gregory Silvermaster?

Mr. ROSENBERG. I decline to answer that also, for the same reasons.

Mr. TAVENNER. Are you acquainted with Nathan Gregory Silvermaster?

Mr. ROSENBERG. The same answer.

Mr. TAVENNER. Are you acquainted with Jacob Golos, G-o-l-o-s?

Mr. ROSENBERG. Is that the man that Miss Bentley testified about that she lived with and is now dead?

Mr. TAVENNER. It is the man she testified she was working for in the underground apparatus of the Communist Party.

Mr. ROSENBERG. Is it the one that you refer to——

Mr. TAVENNER. Yes, he is the person for whom she was working, according to her testimony, and to whom she furnished the information which she claimed she obtained from the Perlo and the Silvermaster groups of the Communist Party in Washington.

Mr. ROSENBERG (after conferring with counsel). I decline to answer for the same reason.

Mr. DOYLE. May I ask a question, Mr. Counsel?

Mr. TAVENNER. Yes.

Mr. DOYLE. I noted your answer just a minute ago when you asked our counsel: Is that the man she lived with? That was your testimony?

Mr. ROSENBERG. I think so.

Mr. DOYLE. Was that your question?

Mr. ROSENBERG. Yes.

Mr. DOYLE. Did you read testimony some place by her that she lived with him, or upon what did you base your answer?

Mr. ROSENBERG. I think that was in her testimony, if I am not mistaken.

If not, it was—something about it was in a book.

Mr. DOYLE. Where did you read her testimony?

Mr. ROSENBERG. I said I read it in the Journal American.

Mr. DOYLE. That is the only place?

Mr. ROSENBERG. Well, it may have been in other newspapers that I read it, but it was the same, I assume.

Mr. DOYLE. You are a pretty well-trained lawyer, and I am asking you a frank question. I hope you will be frank in answering me. Somehow I cannot feel you are, to be frank with you.

Let me ask you this question: When Mr. Kearney asked you whether or not you objected, or made any objection to your name being included in the testimony by Miss Bentley as being a Communist, someone known to her as a Communist, you were an active lawyer at that time, were you not?

Mr. ROSENBERG. Yes.

Mr. DOYLE. And your answer was you made no objection?

Mr. ROSENBERG. Yes.

Mr. DOYLE. At that time you knew the existence of this committee, did you not?

Mr. ROSENBERG. Oh, yes.

Mr. DOYLE. You say "oh, yes."

Mr. ROSENBERG. Well, this committee was very prominent, if you recall, Mr. Doyle, at that time.

Mr. DOYLE. You knew that it was very prominent?

Mr. ROSENBERG. Yes; that is right.

Mr. DOYLE. And very active?

Mr. ROSENBERG. That is right.

Mr. DOYLE. And yet you did nothing to disassociate yourself from being included as a known Communist to her, you did nothing and never wrote this committee, you never asked to testify before us, and you never contradicted her in any way, did you?

Mr. ROSENBERG. That is correct.

Mr. DOYLE. You let yourself stand before the reading public and this committee as a Communist, as far as the effect of her testimony is concerned, and in the minds of the people that read it?

Mr. ROSENBERG. Well, that is a conclusion that you may draw from it, sir.

Mr. DOYLE. Would that not be a natural conclusion? You are a lawyer, you knew ways and means that you could easily have disassociated your name from that group if you had wanted to.

Mr. ROSENBERG. Well, sir, in view of what was going on at that time, which I well remember, I believed that there was a reasonable apprehension that any testimony that I might give with respect to those accusations—and I now believe it—would subject me, if I was compelled to do it, and did not assert my privilege as I do now, to jeopardy or peril. And I have no intention of submitting——

Mr. DOYLE. If it was not a fact that you were a Communist, why did you not send us a telegram, at least, and say, "I deny I am a Communist"? That would not have been compulsion on your part.

Mr. ROSENBERG. No, but you know—we know as lawyers that the assertion of a privilege, of the constitutional privilege not to be a witness against one's self is consistent with innocence.

Mr. DOYLE. Would you have been a witness against yourself to say you were not a Communist?

Mr. ROSENBERG. Well, sir, as I said before, there have been people who made such statements in the light of such accusations, and they took the risk that a jury would believe the accuser rather than themselves. And in those circumstances—the names are known, certainly, in which cases Miss Bentley testified, and I am thinking of the Remington case—I chose, wisely or otherwise, to decline to answer, decline to contest that accusation. And I say, sir, insofar as the law, as I understand it, that it is consistent with innocence so to claim the privilege.

Mr. DOYLE. I was just wondering what your thought was 3 or 4 years ago when it went out over the world that she claimed you were a known Communist. I was wondering why you at that time, a successful lawyer, if you were not a Communist then, did not tell the world so. That did not compel you to be a witness against yourself, did it? If you had done that, would you have been testifying against yourself?

Mr. ROSENBERG. That is a rhetorical question, sir. That doesn't need an answer.

Mr. DOYLE. I mean it more than just being rhetorical, I mean it as a practical every day facing of the facts. Unless you have explained it already all you care to, I wonder, as a member of the bar, why you, a successful member of the bar, if you were not a Communist when you read it in the papers, did not say so?

Mr. ROSENBERG. Well, sir——

Mr. DOYLE. That would not be testifying against yourself, would it?

Mr. ROSENBERG. You are probably more familiar with how to handle accusations than I am, because as a politician——

Mr. DOYLE. No, I can tell by your testimony that you are very well versed.

Mr. ROSENBERG. In the matter of handling public relations, I would assume that you are much more versed than I, sir.

Mr. DOYLE. That is not public relations, that is a matter of your private relationship, as I see it.

Mr. ROSENBERG. When it comes to telling the world, I would regard that as public, sir.

Mr. DOYLE. Thank you very much, Mr. Chairman.

Mr. WOOD. There are six members of this committee present at the moment.

Suppose we eliminate the world and you tell just the six members whether you are a member of the Communist Party.

Mr. ROSENBERG. Whether I am a member of the Communist Party?

Mr. WOOD. Or have ever been.

Mr. ROSENBERG. I decline to answer that question, sir, for the reasons previously given.

Mr. DOYLE. While the attorney is getting ready to ask you another question, I would like to ask this: While you were over in Europe, did you attend any Communist meetings of any sort?

Mr. ROSENBERG. No, sir.

Mr. DOYLE. And in this country, did you attend Communist meetings of any sort?

Mr. ROSENBERG. I decline to answer that question, sir, for the reasons previously given.

Mr. TAVENNER. Have you applied for a passport to go to a foreign country?

Mr. ROSENBERG. Have I?

Mr. TAVENNER. Yes.

Mr. ROSENBERG. Oh, yes.

Mr. TAVENNER. How often?

Mr. ROSENBERG. Well, in 1930 when I got out of college I got a passport and I went abroad.

Mr. TAVENNER. What was the purpose of that trip?

Mr. ROSENBERG. Study.

Mr. TAVENNER. Where did you go?

Mr. ROSENBERG. I went to France, Holland, Italy, and Germany, and I guess I must have passed through Switzerland. I don't think I went to any other country.

Mr. TAVENNER. When did you go abroad the next time?

Mr. ROSENBERG. Some time in connection with my employment in the FEA. I think it was in 1944.

Mr. TAVENNER. What was the purpose of your travel to a foreign country at that time?

Mr. ROSENBERG. Well, it was in effect to peddle the books that we were producing in the work that I did at the FEA. That is to say, these memoranda on economic institutions of occupied areas were produced for a purpose. There was a problem as to whether or not they were being used, or whether any effect was being made of them and what was being done by comparable United States—or outposts of the United States agencies in Europe at that time. And I went on a passport to England, to London where this work was being done.

Mr. TAVENNER. At whose direction did you engage in that travel?

(Representative Bernard W. Kearney left the hearing room at this point.)

Mr. ROSENBERG. Well, I think that Mr. Philip Reed, who was head of the—I think it was called—Mission for Economic Affairs,

which was an organization in London having the outpost of the American—I mean, the United States governmental organization, FEA in the United States, as well as the others. It was a combination. He requested me. I think that was the formal way it was done.

I don't remember how—I was requested by Mr. Philip Reed in particular to go over to—I want to say to peddle books, but that is what the effect of it was. It was to coordinate the work of the FEA with the group I had in the United States.

Mr. TAVENNER. What is the proper spelling of Reed?

Mr. ROSENBERG. R-e-e-d.

Mr. TAVENNER. Have you held a position with the National Lawyers' Guild in the local chapter in Washington?

Mr. ROSENBERG. Yes. I think I once held a position as its treasurer for one term, or perhaps as a member of the board. I don't recall.

Mr. TAVENNER. How long were you a member, or have you been a member of the Lawyers' Guild in Washington, the National Lawyers' Guild?

Mr. ROSENBERG. I guess I was a member of the Lawyers' Guild from approximately 1937—I still am a member of the guild. I am not a member of the Washington chapter; I am a member at large, I believe.

Mr. TAVENNER. Are you acquainted with Robert Silberstein, the executive secretary of the National Lawyers' Guild?

Mr. ROSENBERG. Yes.

Mr. TAVENNER. Was he known to you to have been a member of the Communist Party?

Mr. ROSENBERG (after conferring with counsel). I decline to answer that question, for the reasons previously given.

Mr. TAVENNER. Are you personally acquainted with Mr. Silberstein?

Mr. ROSENBERG. Well, I know him.

Mr. TAVENNER. If you mean that in the sense of personal acquaintance, I accept the answer.

Mr. ROSENBERG. I do—I am not quite sure I know what you mean. I don't merely know the man's name, I know the man by sight and to speak to.

Mr. TAVENNER. I assume you have met with him on matters relating to the official business of the guild, have you not?

Mr. ROSENBERG. Yes.

Mr. TAVENNER. Mrs. Mary Stalcup Markward——

Mr. ROSENBERG. Who?

Mr. TAVENNER. Mrs. Mary Stalcup Markward, M–a–r–k–w–a–r–d, who for a number of years acted as an undercover agent within the Communist Party for the Federal Bureau of Investigation, testified before this committee that Ruth Rifkin, R–i–f–k–i–n, was a member of an underground cell composed of Government employees in the District of Columbia.

There has been testimony before the committee that for a period of time she was an employee in the offices of the National Lawyers' Guild.

Did you observe her working in the offices of the National Lawyers' Guild?

(Representative Bernard W. Kearney entered the hearing room at this point.)

Mr. ROSENBERG. I don't think so. I don't have any recollection of it. It is possible, but I don't think so.

Mr. TAVENNER. Were you acquainted with her? That is, Ruth Rifkin?

Mr. ROSENBERG (after conferring with counsel). Did you say that she had been named by somebody as a——

Mr. TAVENNER. Yes, by Mrs. Markward.

Mr. ROSENBERG. I will decline to answer that question.

Mr. JACKSON. The answer to the question is already in the record, is it not?

Mr. WOOD. He answered that he did not remember having seen her or observed her working in the guild.

Mr. TAVENNER. Did you at any time meet with her on any business not related to the guild matters?

Mr. ROSENBERG. Would you be more specific?

Mr. TAVENNER. You have stated that you were not certain that she worked for the National Lawyers' Guild, in substance.

Mr. ROSENBERG. I thought I said that I didn't remember whether I had ever seen her there.

Mr. TAVENNER. Now I am asking you whether or not you met with her on any business not related to the National Lawyers' Guild.

Mr. ROSENBERG. Well, sir, as I remember it, she ran a public stenographic service. If you are talking about that, that is one thing; if you are talking about subversive activities, I will decline to answer on the ground that she has been named.

Mr. TAVENNER. My question is very simple, whether you ever met with her on any matter not related to the National Lawyers' Guild.

Mr. ROSENBERG (after conferring with counsel). I decline to answer for the reasons previously given.

Mr. TAVENNER. Did you at any time engage her services as a public stenographer?

Mr. ROSENBERG. I cannot remember, sir. I just don't remember.

(Representative Morgan Moulder left the hearing room at this point.)

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WOOD. Mr. Walter, do you have any questions?

Mr. WALTER. No.

Mr. WOOD. Mr. Doyle, do you have any further questions?

Mr. DOYLE. I have just a couple.

While you were in the employ of the United States Government here in Washington, did you attend any Communist meetings or Communist committee meetings of any sort here in Washington?

Mr. ROSENBERG. I decline to answer that question for the reasons previously given.

Mr. DOYLE. While you were in the employ of the United States Government, did you communicate in any manner with persons known to you to be Communists in other countries of the world by correspondence or by messenger in any way through the mails or by voice?

Mr. ROSENBERG. I am sure the answer is "No." I am trying to recall, because the question is so broad. I have had three trans-Atlantic

telephone conversations in my life when I was an employee, and it doesn't fit that bill.

Mr. DOYLE. Manifestly, I am not referring to your performance of official duty in accordance with law. My question, naturally—and you know it—is directed to whether or not you participated directly or indirectly in any subversive activities that you had no right to participate in as a Government employee. That is the direction of my question.

Mr. ROSENBERG. I will decline to answer that question for the reasons previously given.

Mr. DOYLE. I told you during the recess that I was a member of the bar also, and I think most of the members of this committee are.

The longer I am on this committee the more I am shocked whenever a brilliant lawyer like you, a successful lawyer at the bar, finds himself in a position where he has to come in and claim the privilege of the Constitution because of whatever activity has passed in his experience. I just do not understand how brilliant successful members of the American bar get themselves into a position where they have to deny and claim their privilege that they have ever had any association with or known about Communists.

I am not much older than you are, but if you are—and I am assuming the fact that you do not admit exists; I am assuming you are a Commie now for the purpose of this question—for God's sake get out of it.

Mr. WOOD. Mr. Kearney, do you have any questions?

Mr. KEARNEY. I have no questions.

Mr. WOOD. Mr. Jackson?

Mr. JACKSON. I have no questions.

Mr. WOOD. Do you have any further questions, Mr. Counsel, of this witness, in open session?

Mr. TAVENNER. I have no further questions in open session.

Mr. WOOD. The committee will go into executive session for a few moments and I ask the witness to remain.

(Representative Clyde Doyle left the hearing room at this point.)

Mr. WOOD. Before proceeding with the executive session, I see that one of my colleagues on the committee has had to leave, and he left a written question here which I will propound to this witness for him.

His question was: On your first trip abroad, which I believe you stated took place immediately after you finished training in law school——

Mr. ROSENBERG. No, sir, before I went to law school; when I got out of college.

Mr. WOOD. That first trip, in any event, who financed it?

Mr. ROSENBERG. Who financed it?

Mr. WOOD. Yes.

Mr. ROSENBERG. I did, myself, sir, out of my earnings as a counselor at summer camps.

Mr. WOOD. I propounded that question at the request of Mr. Moulder.

(Whereupon, at 3:40 p. m., the hearing was adjourned, and the committee proceeded in executive session.)

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